





STATE LIBRAR

Case

Shelf

34  
A

NORTH CAROL

The Library  
of the  
University of North Carolina



Collection of North Caroliniana

This book was <sup>exchanged</sup> presented

by  
N.C. Supreme Court  
Library, Raleigh

VC328.1

N87  
1829-30, 1830-31

Carolina  
Library.



FOR USE ONLY IN  
THE NORTH CAROLINA COLLECTION

---















# JOURNALS

OF THE

## SENATE & HOUSE OF COMMONS

OF THE

### GENERAL ASSEMBLY

OF THE

Caswell,  
 Chatham,  
 Chowan,  
 Columbus, James  
 Craven, Richard D. S.  
 Cumberland, Archibald  
 Joneson Harris,  
 Miller,  
 Wilson,  
 Williams,

### STATE OF NORTH CAROLINA,

SESSION OF 1.

To  
 Wax  
 Ward  
 Washing  
 me,

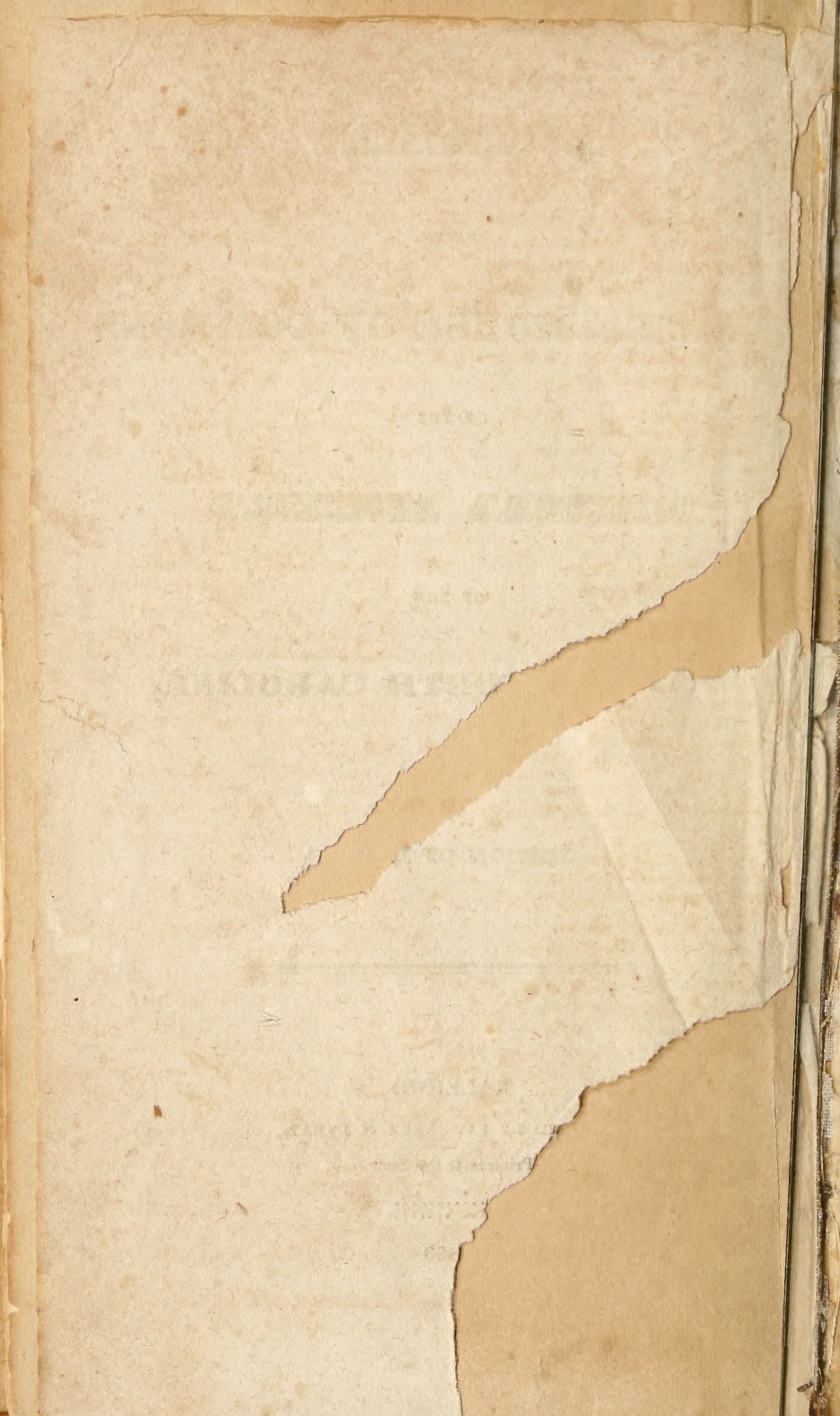
RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

ed to  
 nated for  
 county of E  
 Esquire, the Sen  
 tion. An election  
 Martin, and Burns be  
 liams, of Martin, from  
 for Speaker, reported th  
 of Caswell, was duly etc  
 Whereupon Mr. Brown was  
 from whence he made his ack  
 address.

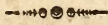
On motion of Mr. Matthews,  
of the Senate.

246692





# JOURNAL OF THE SENATE.



At a General Assembly, begun and held in the City of Raleigh, on Monday, the 16th day of November, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the independence of the United States of America, it being the first session of this General Assembly: On which day, being that appointed by law for the meeting of the General Assembly, the following members of the Senate appeared, produced their credentials, were qualified agreeably to law, and took their seats, to wit:

From *Anson county*, Clement Marshall,

*Ashe*, Anderson Mitchell,  
*Beaufort*, Joseph B. Hinton,  
*Bertie*, George O. Askew,  
*Bladen*,  
*Brunswick*, Jacob Leonard,  
*Buncombe*, James Allen,  
*Burke*, Merritt Burgin,  
*Cabarrus*, Christopher Melchor,  
*Camden*, Haywood S. Bell,  
*Carteret*, Otway Burns,  
*Caswell*, Bedford Brown,  
*Chatham*, Joseph Ramsey,  
*Chowan*, William Walton,  
*Columbus*, James Burney,  
*Craven*, Richard D. Spaight,  
*Cumberland*, Archibald M'Diarmid,  
*Currituck*, Caleb Etheridge,  
*Davidson*, Ransom Harris,  
*Duplin*, Stephen Miller,  
*Edgecomb*, Louis D. Wilson,  
*Franklin*, Wm. P. Williams,  
*Gates*, Wm. W. Cowper,  
*Granville*, Wm. M. Sneed,  
*Greene*, Wyatt Moye,  
*Guilford*, John M. Dick,  
*Halifax*, Isham Matthews,  
*Haywood*, William Welch,  
*Hertford*, Bridger I. Montgomery,  
*Hyde*,  
*Johnston*, Reuben Sanders,  
*Jones*, Risdan M. M'Daniel,

From *Iredell*, Thomas A. Allison,

*Lenoir*, William D. Moseley,  
*Lincoln*, Daniel Hoke,  
*Macon*, Thomas Love,  
*Martin*, Joseph J. Williams,  
*Mecklenburg*,  
*Montgomery*, John Crump,  
*Moore*, Alex'r M'Neill,  
*Nash*, Wm. W. Boddie,  
*New-Haven*, Wm. B. Meares,  
*Northampton*,  
*Onslow*, Edward Ward,  
*Orange*, Wm. Montgomery,  
*Pasquotank*, John Pool,  
*Perquimons*, Willis Riddick,  
*Person*, Maurice Smith,  
*Pitt*, Marshall Dickinson,  
*Randolph*, Abraham Brower,  
*Richmond*, Tryam M'Farland,  
*Hobeson*, Neil B. Johnson,  
*Rockingham*, Robert Martin,  
*Rowan*, David F. Caldwell,  
*Rutherford*, John M'Entire,  
*Sampson*, David Underwood,  
*Stokes*, Gabriel T. Moore,  
*Surry*, Meshack Franklin,  
*Tyrred*, John B. Beasley,  
*Wake*, Charles L. Hinton,  
*Warren*, Richard Davis,  
*Washington*, Samuel Davenport,  
*Wayne*, Gabriel Sherard,  
*Wilkes*, James Wellborn.

A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Williams, of Martin, the Senate proceeded to the choice of a Speaker. Whereupon Mr. Williams, of Martin, nominated for that appointment Louis D. Wilson, Esquire, the Senator from the county of Edgecomb. On motion of Mr. Burns, the name of Bedford Brown, Esquire, the Senator from the county of Caswell, was added to the nomination. An election by ballot thereupon took place, Messrs. Williams, of Martin, and Burns being appointed superintendents to conduct it. Mr. Williams, of Martin, from the committee appointed to superintend the ballot for Speaker, reported that Bedford Brown, the Senator from the county of Caswell, was duly elected; in which report the Senate concurred. Whereupon Mr. Brown was conducted to the Speaker's chair by Mr. Burns; from whence he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Matthews, Samuel F. Patterson was appointed Clerk of the Senate.

246692



On motion of Mr. Wellborn, the Senate proceeded to the election of the Assistant Clerk; and, on motion of Mr. Montgomery, of Hertford, Thomas G. Stone was nominated for the appointment. On motion of Mr. Burns, the name of Henry Potter was added to the nomination. On motion of Mr. Wellborn, the name of William Seawell was added to the nomination. On motion of Mr. Askew, the name of Henry M. Miller was added to the nomination. On motion of Mr. Montgomery, of Orange, the name of John C. Stedman was added to the nomination; and, on motion of Mr. Meares, the name of William J. Cowan was added to the nomination; and Messrs. Montgomery, of Orange, and Leonard were appointed to conduct the balloting.

On motion of Mr. Love, Thomas B. Wheeler was appointed Doorkeeper and Robert Ray Assistant Doorkeeper of the Senate.

Mr. Montgomery, of Orange, from the committee appointed to superintend the balloting for Assistant Clerk, reported that no person in nomination had a majority of votes. Whereupon, on motion of Mr. Meares, another balloting was ordered, and conducted by the same superintendents. On motion of Mr. Wellborn, the name of William Seawell was withdrawn from the nomination.

Mr. Leonard, from the committee appointed to superintend the balloting for Clerk Assistant, reported that William J. Cowan, having a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Sherard, ordered that a message be sent to the House of Commons, informing that House that the Senate is duly organized and ready to proceed on public business, having appointed Bedford Brown, Esquire, Speaker; Samuel F. Patterson, Clerk; and William J. Cowan, Clerk Assistant; and Thomas B. Wheeler and Robert Ray, Doorkeepers.

Thereupon, on motion of Mr. Matthews, the Senate adjourned until tomorrow morning, 10 o'clock.

TUESDAY, NOVEMBER 17, 1829.

William Davidson, the Senator from the county of Mecklenburg, appeared, produced his credentials, was qualified and took his seat.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, having appointed William Junius Alexander, of Mecklenburg, Speaker; Pleasant Henderson, Clerk; and Charles Manly, Clerk Assistant; John Lumsden Door-keeper; and Richard Roberts Assistant Door keeper.

A message was received from the House of Commons proposing to appoint a select joint committee to wait upon his excellency the Governor, and inform him of the organization of the Legislature, and of its readiness to receive any communication he may think proper to make; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and naming Messrs. Franklin and Miller of the committee on the part of the Senate.

Mr. Wellborn presented the following resolution, to wit:

*Resolved*, That a joint select committee of both Houses be appointed to take into consideration the propriety of altering or rescinding the present Joint Rules of the two Houses.

Which being read, and the question thereon, shall the said resolution be adopted? it was determined in the negative.



On motion of Mr. Spaight, ordered that the Rules of the Senate of the last session of the Legislature be the Rules of Order and Decorum for the government of the Senate during the present session.

Received from the House of Commons a message, proposing that the two Houses proceed immediately to the election of three Engrossing Clerks, and nominating for the appointment Thomas Dews, Thomas G. Stone, Willis L. Williams, John C. Stedman, Thomas Whitaker, John W. Covington, Nathaniel J. Palmer, James A. Vaughan and Hays F. Shipman; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and that the name of Joseph Simpson is added to the nomination; and stating that Messrs. Askew and Marshall are appointed superintendents of the balloting on the part of the Senate. Whereupon a message was received from the House of Commons, stating that Messrs. Wyche and Stedman were appointed to conduct the ballot on their part.

Mr. Hinton of Beaufort announced to the Senate the death of John Silverthorn, Esquire, the Senator elect from the county of Hyde; whereupon, on motion of Mr. Hinton of Beaufort, it was ordered that a writ of election issue to the sheriff of Hyde county, commanding him to hold an election at the several places now prescribed by law in said county, on Wednesday the 2d day of December next, for the purpose of electing some person qualified to fill the vacancy in the Senate occasioned by the death of John Silverthorn aforesaid.

Mr. Sherard moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the rules and orders of the Senate; and the question being taken thereon, it was determined in the affirmative; whereupon a committee of Finance on the part of the Senate was appointed, consisting of Messrs. Davidson, Ward, M'Farland, Wilson, Sneed, Askew, Weilborn and Moseley.

A committee of Claims was appointed, consisting of Messrs. Martin, Leonard, M'Diarmid, Matthews, Smith, Montgomery of Hertford, M'Entire and Sherard.

A committee of Propositions and Grievances was appointed, consisting of Messrs. Dick, Miller, Johnson, Williams of Martin, Montgomery of Orange, Beasley, Welch and Dickinson.

A committee of Privileges and Elections was appointed, consisting of Messrs. Franklin, Underwood, M'Neill, Boddie, Pool, Ramsey, Burgin and M'Daniel.

Mr. Franklin, from the committee appointed to wait on the Governor, reported that the committee were authorised to state, that he would make a communication to the Legislature at 12 o'clock this day.

On motion of Mr. Matthews, it was ordered that the rules of order for the government of the Senate, be printed, one copy for each member.

Mr. Askew, from the committee appointed to conduct the balloting for three engrossing clerks, reported that Thomas Dews and Thomas G. Stone having a majority of the whole number of votes, are duly elected, and that no other person in nomination had a majority of the votes; in which report the Senate concurred; whereupon, on motion of Mr. Marshall, a message was sent to the House of Commons, proposing to ballot again immediately for one engrossing clerk yet to be elected.

And then the Senate adjourned until to morrow, 10 o'clock.

WEDNESDAY, NOVEMBER 13, 1829.

A message was received from the House of Commons, agreeing to the pro-



position of the Senate to ballot again for one engrossing clerk, and stating that the name of Hays F Shipman is withdrawn from the nomination, and naming Messrs. Simpson and Murphey as superintendents of the balloting on the part of that House; whereupon Messrs. Marshall and Askew were appointed a committee to conduct the balloting on the part of the Senate.

Mr. Allen presented a bill to erect out of a part of the counties of Burke and Buncombe, a separate and distinct county, which was read the first time and passed; and on motion of Mr. Allen, the said bill, together with the petition accompanying the same, was ordered to be referred to a select committee; which committee consists of Messrs. Allen, Ward, Burgin, Beasley and M'Entire.

Mr. M'Farland presented a bill to establish and incorporate Hickory Grove Academy in the county of Richmond, on the lands of John Carmichael; which was read the first time and passed.

Received from the House of Commons a message from the Governor, accompanied with a proposition from that House, that the message be printed, three copies for each member of the Legislature; which proposition was agreed to, and the House of Commons were informed thereof by message.

Mr. Marshall from the committee appointed to conduct the balloting for engrossing clerk, reported that no person in nomination had a majority of the votes; in which report the Senate concurred: whereupon, on motion of Mr. Askew, a message was sent to the House of Commons, proposing to ballot again immediately for one engrossing clerk yet to be elected.

Received from the House of Commons a message, agreeing to ballot again immediately for one engrossing clerk, appointing Messrs. Calloway and Branch superintendents of the balloting on the part of that House, and stating that the name of Thomas Whitaker is withdrawn from the nomination. Whereupon a message was sent to the House of Commons, stating that Messrs. M'Neill and Davis are appointed to superintend the balloting on the part of the Senate.

Mr. Wellborn submitted sundry resolutions, to wit:

1st. *Resolved*, That so much of the Governor's message as relates to Internal Improvement, be referred to a select committee.

2d. *Resolved*, That so much of said message as relates to Common Schools and Education, be referred to a select committee.

3d. *Resolved*, That so much of said message as relates to our Banks, and the currency of the country, be referred to a select committee.

4th. *Resolved*, That so much of said message as relates to the Judiciary, be referred to a select committee.

5th. *Resolved*, That so much of said message as relates to the Cherokee Lands, be referred to a select committee.

6th. *Resolved*, That so much of said message as relates to the Map of the State, be referred to a select committee.

7th. *Resolved*, That so much of said message as relates to the militia and public arms, be referred to a select committee.

8th. *Resolved*, That so much of said message as relates to amendments of the Federal Constitution, with the accompanying documents and resolutions of various States, be referred to a select committee.

9th. *Resolved*, That so much of said message as relates to the appropriation of funds by the General Government for the benefit of the Colonization Society, be referred to a select committee.

Which were read and ordered to lie on the table.

Received from the House of Commons a message transmitting the annual report of the Public Treasurer, accompanied with a proposition from that House, that the report be printed, one copy for each member of the Legisla-



ture; which proposition was agreed to, and the House of Commons were informed thereof by message.

Mr. M'Diarmid presented the certificates of allowance made by the County Court of Cumberland in favor of Sherwood Fort and Anne Morrison; which were read, and, on motion of Mr. M'Diarmid, were ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. M'Neill, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that no person in nomination had a majority of the votes; in which report the Senate concurred. On motion of Mr. Davis, a message was sent to the House of Commons, proposing to ballot again immediately for an Engrossing Clerk, and stating that the name of James A. Vaughan is withdrawn from the nomination. Whereupon a message was received from the House of Commons, agreeing to the proposition of the Senate, and stating that Messrs. Barringer and Stanly attend the Senate as superintendents of the balloting on the part of that House.

Mr. Matthews presented the resignation of John Holliday, Colonel commandant of the twenty seventh regiment of North Carolina militia, for the county of Greene; which was read and accepted, and sent to the House of Commons.

Mr. Martin gave notice to the Senate that on Monday next, he should ask leave to bring in a bill to establish a Bank on the funds and faith of the State.

Mr. M'Neill, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that no person in nomination had a majority of the votes; in which report the Senate concurred.

A message was received from the House of Commons, proposing a further balloting for an Engrossing Clerk; which proposition was agreed to, and Messrs. Davis and M'Neill appointed superintendents on the part of the Senate; and the House of Commons were informed thereof by message. Whereupon a message was received, stating that Messrs. Barringer and Stanly were appointed a committee to conduct the balloting on the part of the House of Commons.

And the Senate adjourned until to morrow, 10 o'clock.

THURSDAY, NOVEMBER 19, 1829.

Mr. M'Neill, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that John W. Covington, having obtained a majority of all the votes, is duly elected; in which report the Senate concurred.

The Speaker laid before the Senate a communication from E. R. Hunter, accompanied with sundry documents, contesting the election of Wm. W. Cowper, the Senator returned from the county of Gates. The communication being read, on motion of Mr. Caldwell, the reading of the accompanying documents was dispensed with; and on motion of Mr. Caldwell, ordered that the communication, together with the documents, be referred to the Committee on Privileges and Elections.

On motion of Mr. Martin, the Senate proceeded to consider the resolutions presented on yesterday by Mr. Wellborn and laid on the table; which, after being read, Mr. Martin moved to strike out the third resolution, viz.

"Resolved, That so much of said Message as relates to our Banks and the currency of the country, be referred to a select committee."

And insert as follows, to wit:



"Resolved, That a message be sent to the House of Commons, proposing to refer so much of the Governor's Message as relates to the Banks, and the disposition of the funds of the State, to a joint select committee."

And the question being taken on said amendment, it passed in the affirmative.

Mr. Montgomery, of Hertford, moved further to amend the resolutions by adding the following as an additional resolution, to wit:

"Resolved, That so much of the Governor's Message as relates to the cutting an outlet from the Albemarle Sound, be referred to a joint select committee of both Houses."

And the question being taken thereon, it was determined in the affirmative.

Mr. Caldwell moved further to amend the said resolutions, by inserting the word "joint" before the word "select," in the fourth line of the eighth resolution; which was agreed to; and the question then recurring on the adoption of the resolutions as amended, it was determined in the affirmative.

On motion of Mr. Caldwell,

Resolved, That so much of the Governor's message as relates to the produce annually exported from the State, be referred to a select committee.

On motion of Mr. Dick,

Resolved, That so much of the Governor's Message as relates to the salary of the late Chief Justice Taylor, be referred to the committee of Claims.

On motion of Mr. Sherard,

Resolved, That so much of the Governor's message as relates to Miss Udney M. Blakeley, be referred to the committee of Claims.

On motion of Mr. Mitchell,

Resolved, That so much of the Governor's message as relates to the construction of a road from the town of Fayetteville to the Yadkin river, be referred to a joint select committee of the two Houses.

Mr. Askew presented the following resolution, to wit:

Resolved, That the Speaker of this House assign a suitable place in the Senate Hall for one or more stenographers.

Which being read, on motion of Mr. Wellborn, it was ordered to lie on the table.

The bill to establish and incorporate Hickory Grove Academy in the county of Richmond, on the lands of John Carmichael, was read the second time and passed.

And the Senate adjourned until to-morrow, 10 o'clock.

FRIDAY, NOVEMBER 20, 1829.

Collen W. Barnes, the Senator from the county of Northampton, appeared, produced his credentials, was qualified and took his seat.

Mr. Allen presented a bill to discontinue the appropriation of Udney M. Blakeley, which was read the first time and passed; and on motion of Mr. Allen, ordered, that the said bill, together with the documents accompanying the Governor's message relative to that subject, be referred to the committee on Claims.

Received from the House of Commons, a message, proposing that the two Houses proceed to ballot on Monday next, for a Judge of the Supreme Court to supply the vacancy occasioned by the death of Chief Justice Taylor, and stating that the names of Thomas Ruffin and John D. Toomer are in nomination for the appointment; whereupon Mr. Wellborn moved to lay the message on the table until to-morrow, which was not agreed to; and the question then recurring on agreeing to the proposition of the House of Commons it passed in the affirmative; and on motion of Mr. Wellborn, the name



Henry Seawell, and, on motion of Mr. Matthews, the name of Joseph J. Daniel were added to the nomination; and the House of Commons informed thereof by message.

A message was also received from the House of Commons of the date of yesterday, proposing that the two Houses ballot on to morrow week for a Senator to represent this State in the Senate of the United States, to supply the vacancy occasioned by the resignation of John Branch. Whereupon Mr. Love moved that said message be laid upon the table, which was not agreed to; and the question recurring on agreeing to the proposition, it was decided in the affirmative; and the House of Commons were informed thereof by message.

Mr. Davidson presented the petitions of Henry Huston and Robert Robison, of Mecklenburg county, praying to be placed on the pension list of the State, in consideration of services performed during the revolutionary war. Ordered that the said petitions be referred to the committee on Propositions and Grievances.

On motion of Mr. Mitchell, a message was sent to the House of Commons, nominating Montfort Stokes, of Wilkes, for the appointment of Senator in the Congress of the United States.

The bill to establish and incorporate Hickory Grove Academy, in the county of Richmond, on the lands of John Carmichael, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to refer so much of the Governor's message as relates to the Banks and the circulating medium to a joint select committee, consisting of six members on the part of that House, which was agreed to; and, on motion of Mr. Martin, ordered that the committee consist of six members on the part of the Senate. Messrs. Martin, Meares, Wilson, Wellborn, Dick, and Montgomery of Orange, were appointed the said committee.

Received also from the House of Commons a message, proposing to refer so much of the Governor's message as relates to the opening of a passage between the Albemarle Sound and the ocean to a joint select committee, consisting of six members on the part of that House; which was agreed to; and, on motion of Mr. Martin, ordered that the committee consist of six members on the part of the Senate. Messrs. Montgomery of Hertford, Caldwell, Barnes, Askew, Williams of Franklin, and Dickinson, were appointed the said committee.

Mr. Smith presented the resignation of Elijah Hester, as colonel commandant of cavalry in the 16th brigade of the 3d division; which was read and accepted, and sent to the House of Commons.

Mr. Davidson presented the resignation of Wm. N. Parkes, as colonel commandant of the regiment of cavalry attached to the 11th brigade of the 4th division of North Carolina militia; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons the following resignations, to wit: The resignation of John Kendall, of the county of Montgomery; the resignation of Stephen Outerbridge, of the county of Martin; the resignation of Nathan York, of the county of Randolph; the resignation of John Little, of the county of Montgomery; the resignation of George Dickey, of the county of Macon; the resignation of John Sanders, of the county of Johnston; the resignation of Lindsey F. Cagle, of the county of Montgomery; the resigna-



tion of Elijah Dever, of the county of Haywood; the resignation of James Tyre, of the county of Pitt; the resignation of John Harrell, jr of the county of Tyrrell; the resignation of Absalom Scales, of the county of Stokes; the resignation of Henry Brown, of the county of Surry; the resignation of Joseph Brown, of the county of Greene; the resignation of John Faulk, of the county of Columbus; the resignation of Cyrus P. Conley, of the county of Burke; the resignation of Isham Sows, of the county of Columbus; and the resignation of Jacob Powell, of the county of Columbus, Justices of the Peace for their respective counties; also the resignation of Samuel C. Tate, lieutenant colonel of the 79th regiment of North Carolina militia; the resignation of Joseph Cathey, as colonel commandant of the first regiment of Haywood county militia; and the resignation of Jacob Smith, lieutenant colonel of the first regiment of Haywood county militia; endorsed in that House, "read and accepted;" and which were severally read and accepted by the Senate.

The Senate then adjourned until to-morrow. 10 o'clock.

SATURDAY NOVEMBER 21. 1829

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "A bill to establish and incorporate Hickory Grove Academy, in the county of Richmond, on the lands of John Carmichael;" in which they ask the concurrence of that House.

The following persons were appointed on the several select committees ordered on the message of the Governor, in pursuance of Mr. Wellborn's resolutions, and the amendments thereto, to wit:

- On the first resolution, Messrs. Franklin, Burns, Burney, Caldwell and M'Entire.
- On the second resolution, Messrs. Sneed, Hinton of Wake, Smith, Barnes, and Williams of Martin.
- On the fourth resolution, Messrs. Meares, Miller, Dick, Marshall and Moseley.
- On the fifth resolution, Messrs. Love, Allison, Allen, Boddie and Burgin.
- On the sixth resolution, Messrs. M'Diarmid, Moye, Leonard, Bell and Moore.
- On the seventh resolution, Messrs. Ward, Etheridge, Underwood, Beasley and Hoke.
- On the eighth resolution, Messrs. Spaight, M'Farland, Davenport, Williams of Franklin, and Matthews.
- On the ninth resolution, Messrs. Davidson, Hinton of Beaufort, Riddick, Harris and Crump.
- On the amendatory resolution submitted by Mr. Mitchell, Messrs. Mitchell, Ramsey, Melchor, M'Neill and Brower.
- On the amendatory resolution submitted by Mr. Caldwell, Messrs. Caldwell, Sanders, Sherard, Davis and M'Daniel.

Mr. Spaight presented the certificate of Craven County Court in favor of Thomas Ewell, Christopher Bexley, and captain John Rhem, pensioners of the State; which was read and ordered to lie on the table.

Mr. M'Farland presented a bill for altering the time of appointing overseers of roads in the county of Richmond; which was read the first time and passed.

Mr. Wellborn presented a bill to authorise and direct the Supreme Court to be holden in the several places therein directed; which was read the first time and passed.

Received from the House of Commons a message, proposing that a joint select committee be raised, consisting of the members representing the several counties composing the third judicial circuit, whose duty it shall be to inquire if any, and what alteration is necessary, as regards the present organization of said circuit, and that they report by bill or otherwise; which



proposition was agreed to, and the House of Commons informed thereof by message.

Mr Franklin, from the committee on Privileges and Elections, to whom was referred the petition of E. R. Hunter, of the county of Gates, with its accompanying documents, praying that the seat of Wm. W. Cowper, the Senator from the county of Gates, may be vacated, made a report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred.

On motion of Mr. Martin,

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of consolidating and amending the road laws of this State, with leave to report by bill or otherwise.

Received from the House of Commons a message, proposing to refer the following subjects, referred to in the Governor's message to the Legislature, to select joint committees, to wit: So much thereof as relates to the public documents on the subject of Slavery, and the constitutional power of the Congress of the United States to appropriate money in aid of the Colonization Society; so much thereof as relates to State rights and the Tariff acts, and the Constitutional authority of Congress to impose a tariff of duties with a view to the protection of Manufactures; and so much thereof as relates to the right of Congress to adopt a system of Internal Improvement, and to appropriate money for purposes of Internal Improvement; which, after being read, was, on motion of Mr. Wellborn, ordered to lie on the table.

Mr. Hoke presented the petition of Richard T. Brumley, of Lincoln county, praying that a law may be passed to authorise him to erect a gate on his own lands, across the road leading from Statesville to Lincoln, by the Buffalo Shoal ford. Mr. Hoke also presented a bill to carry the prayer of the said petitioner into effect; which was read the first time and passed. Ordered that the said bill, together with the accompanying petition, be referred to the committee on Propositions and Grievances.

Mr. Franklin presented the following resolutions, to wit:

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost endeavors to procure the extinguishment of the Indian claims to all their lands in the State of North Carolina.

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost endeavors to procure the repeal of the Salt tax.

Which, after being read, were, on motion of Mr. Franklin, ordered to lie on the table.

On motion of Mr. Caldwell,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of modifying the punishment affixed by law to the crime of Bigamy.

On motion of Mr. Sneed,

*Resolved*, That the documents accompanying the message of the Governor, at the last session, in relation to a Lunatic Asylum, and which were ordered to be filed in the State Library, be referred to a joint select committee.

On motion of Mr. Davidson,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of allowing an addition in the distribution of the acts of the General Assembly, of one copy to each of the coroners, trustee, commissioner of public buildings, county surveyor, register and ranger, in the several counties in this State; and that they report by bill or otherwise.

Mr. Allen, from the select committee to whom was referred a bill to erect out of a part of the counties of Burke and Buncombe a separate and distinct county, made a detailed report thereon, recommending the passage of said bill into a law. Whereupon, on motion of Mr. Allen, ordered that the said



bill be laid upon the table until Tuesday next, and that the report be printed, one copy for each member of the General Assembly.

On motion of Mr Williams of Martin, ordered that a message be sent to the House of Commons, stating that the name of Samuel P. Carson is added to the nomination for Senator in Congress.

Mr. Boddie presented the resignation of Azariah King, a justice of the peace for the county of Nash; which was read and accepted, and sent to the House of Commons.

Mr. Brower presented the resignation of Thomas Marley, a justice of the peace for the county of Randolph; and Mr. Marshall presented the resignation of Alexander W. Brandon, a justice of the peace for the county of Anson; which were read and accepted, and sent to the House of Commons.

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 23, 1829.

Mr. Pool presented a bill providing for the repair of certain roads therein mentioned, which was read the first time and passed, and, on motion of Mr. Pool, ordered to be referred to the committee on Internal Improvement.

Mr Miller presented the following resolutions, to wit:

*Resolved*, That so much of the Governor's Message as relates to the division of the State into smaller judicial districts, be referred to a joint select committee.

*Resolved further*, That said committee be instructed to inquire into the expediency of so modifying the present Supreme Court, as that the judges of that court shall perform judicial circuits.

*Resolved further*, That the said committee be instructed to inquire into the expediency of so changing the Supreme Court as to provide for the holding of the said court by a greater number of judges.

*Resolved further*, That the said committee be instructed to inquire into the expediency of making some provision by law for the holding of courts in the recess of the regular sessions of the Superior Courts, for the trial of criminal cases, when the same cannot be tried at the regular session of the courts of the county.

Which, after being read, Mr. Caldwell moved that the said resolutions be laid upon the table; which was not agreed to; and the question recurring on the adoption of said resolutions, it was decided in the affirmative; and Messrs. Miller, Caldwell, Meares, Spaight and Dick were appointed to form said committee.

Mr. Miller moved that a message be sent to the House of Commons, proposing to postpone until Monday next the balloting for a Judge of the Supreme Court; which was not agreed to. Whereupon, on motion of Mr. Martin a message was sent to the House of Commons, stating that Messrs. Meares and Franklin attend that House as superintendents of the balloting for a Judge of the Supreme Court as heretofore agreed upon.

Mr. Love presented a bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825; which was read the first time and passed.

Mr. M'Farland presented a bill for the education of the poor children of the State of North Carolina; which was read the first time and passed, and, on motion of Mr. M'Farland, ordered to be referred to the committee on Education.

Mr. Montgomery, of Orange, presented a bill to vest the right of electing sheriffs in the several counties within this State in the free white men thereof; which was read the first time and passed.

Received from the House of Commons a message, of the date of Saturday



last, stating that the name of Archibald D. Murphey is added to the nomination for a Senator in the Congress of the United States.

Received also from the House of Commons a message, proposing that the document accompanying the Governor's message, containing a plan of primary schools in this State, as prepared by a citizen thereof, be printed, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons informed thereof by message.

A message was also received from the House of Commons, agreeing to the proposition of the Senate, "that so much of his excellency the Governor's message as relates to the construction of a road from the town of Fayetteville to the Yadkin river, be referred to a joint select committee," and stating that Messrs. M'Neill, Murchison, Bogle, Hough and Calloway form the committee on the part of that House.

Mr. Hinton, of Beaufort, presented a bill providing compensation for the jurors of the county of Beaufort; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Wyche and Simpson attend the Senate as superintendents of the balloting for a Judge of the Supreme Court, on the part of that House.

Mr. Allen presented a bill to restore to credit John Griffith, jr. of the county of Buncombe; which was read the first time and passed, and, on motion of Mr. Allen, ordered that the said bill, together with the petition accompanying the same, be referred to the committee on Propositions and Grievances.

Mr. Martin presented a bill to establish a bank in behalf of, and for the benefit of the State; which was read the first time and passed, and, on motion of Mr. Wellborn, ordered that the said bill be laid upon the table and be printed, one copy for each member of the General Assembly.

Mr. Meares, from the committee appointed to conduct the balloting for a Judge of the Supreme Court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. M'Farland, ordered that the bill for the education of the poor children of the State of North Carolina, be printed, one copy for each member of the Legislature.

On motion of Mr. Spaight, ordered that the bill to authorise and direct the Supreme Court to be holden in the several places therein directed, be referred to the committee on the Judiciary.

A message was received from the House of Commons, proposing that another balloting be had immediately for a Judge of the Supreme Court; which proposition was agreed to, and Messrs. Franklin and Meares appointed a committee to conduct the balloting on the part of the Senate; and the House of Commons were informed thereof by message. Whereupon a message was received from the House of Commons, stating that Messrs. Wheeler and Simpson are appointed superintendents of the balloting on the part of that House.

Received from the House of Commons a message, proposing that a select joint committee be appointed, to whom shall stand referred all the papers and documents relating to a Penitentiary and Lunatic Asylum, which were presented to the Legislature by the late Governor Iredell; and that said committee duly consider the propriety of building a Penitentiary in this State, and shall have leave to report by bill or otherwise; which proposition was agreed to, and Messrs. Sneed, Meares, Pool, M'Daniel and Moore were appointed to form said committee on the part of the Senate; and the House of Commons were informed thereof by message.



A message was also received from the House of Commons, stating that the name of William B. Meares, of Wilmington, is added to the nomination for a Senator in the Congress of the United States.

Received also a message from the House of Commons, stating that they have appointed Messrs. Polk, O'Brien and Webb to constitute, on their part the joint select committee on the Public Library, in pursuance of the Joint Rules.

The bill for altering the time of appointing overseers of roads in the county of Richmond, was read the second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, proposing that so much of the Governor's message as relates to the purchase of slaves for the use and benefit of the State, for works of internal improvement, be referred to a joint select committee; that said committee be instructed to inquire into the expediency or in expediency of purchasing such a number of slaves that may be divided and distributed to the different stations now in operation, under the control of the Board of Internal Improvement; which proposition was agreed to, and Messrs. Miller, Burns, Wilson, Barnes and Caldwell were appointed to form said committee on the part of the Senate and the House of Commons were informed thereof by message.

Received from the House of Commons the certificates of allowance made by the county court of Cumberland, in favour of Sherwood Fort and Ann Morrison, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons."

Received also the resignations of William Orr, colonel commandant John Clayton, lieutenant colonel; and Gideon Stephens, major, of the first regiment of Buncombe county militia, endorsed in that House, "read and accepted;" and which were severally read and accepted by the Senate.

And the Senate adjourned until to-morrow, 10 o'clock.

#### TUESDAY, NOVEMBER 24, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill entitled a bill for altering the time of appointing overseers of roads in the county of Richmond; in which they ask the concurrence of that House.

Mr. Meares, from the committee appointed to conduct the balloting for a Judge of the Supreme Court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing that another balloting be had immediately for a Judge of the Supreme Court, and stating that the name of Joseph J. Daniel is withdrawn from the nomination; which proposition was agreed to; and, on motion of Mr. Wellborn, the name of Henry Seawell was withdrawn from the nomination. Whereupon a message was sent to the House of Commons, stating that Messrs. Davidson and Sneed attend that House as superintendents of the balloting on the part of the Senate. Whereupon a message was received, stating that Messrs. Wilson and Jones attend the Senate as superintendents of the balloting on the part of the House of Commons.

Mr. Spaight moved that the certificate of allowance from the County Court of Craven in favor of Thomas Ewell, Christopher Bexley and Captain John Rhem, be now taken up; which was agreed to; and, on motion of Mr.



right, ordered that it be countersigned by the Speaker of the Senate; which was accordingly done, and the certificate sent to the House of Commons.

Mr. Boddie presented the following preamble and resolutions, to wit:

Whereas, agreeably to an act, passed in the year 1784, chapter 226, and an act, passed in the year 1789, chapter 308, heirs and devisees have the right of selling the real estate which may have descended to the heirs or devisees of any deceased person before the estate of such deceased person is settled, (or before sci. fa. is issued against the heirs and devisees,) although the heirs or devisees may at the time be insolvent, to the great injury of honest creditors:

*Therefore be it resolved,* That the committee on the Judiciary be instructed to inquire into the expediency of so amending said acts of 1784 and 1789, as to prevent heirs or devisees from selling the real estate of deceased persons before such estate is settled, within the time limited by law; and that they report by bill or otherwise.

Which was read, and the question being taken on the adoption thereof, was decided in the affirmative.

Received from the House of Commons a message, stating that they have appointed on the part of that House the following persons to compose the several select joint committees ordered on the Governor's message, to wit:

On so much of said message as relates to the opening of a passage between the Almarle Sound and the Ocean, Messrs. Haughton, Graham, Kerr, Wheeler, Sawyer and Blair.

On so much of said message as relates to the Banks and circulating medium, Messrs. Aston, Fisher, Eccles, Gary, Swain and Carson.

On so much of said message, and the accompanying documents, as relates to slavery and the Colonization Society, Messrs. Hill of Wilmington, Wilson of Caswell, Newland, Jordan and Russell.

On so much of said message, and the accompanying documents, as relates to State rights and the Tariff, Messrs. Bynum, Nash, Mboou, Hough and Loretz.

On so much of said message, and the accompanying documents, as relates to the right of Congress to carry on internal improvements, Messrs. Fisher, Moore, Bethell, Casser and Stedman.

Received also a message from the House of Commons, stating that they have appointed on their part a committee on Enrolled Bills, consisting of Messrs. Barringer, Green, Lilly and Webb.

Received also a message from the House of Commons, stating that Messrs. Blair, Smallwood, J. J. Gause, A. M'Neill, Green, Wyche, E. Alexander and Stokes form the committee of Finance on the part of that House.

Mr. Bell presented a bill to authorise the Court of Pleas and Quarter Sessions of Camden county to appoint a committee of finance; which was read the first time and passed.

Mr. Allen presented a bill to amend an act, passed A. D. 1828, entitled an act to allow compensation to jurors of the original pannel in the county of Buncombe; which was read the first time and passed.

Received from the House of Commons a message, proposing that the reports of the commissioners appointed under a resolution of the last General Assembly, on the claim of the State against the United States, and the old standing accounts on the books of the Comptroller's office, be referred to a select joint committee, and be printed, one copy for each member of the Assembly; which, on motion of Mr. Franklin, was ordered to lie upon the table.

Mr. Beasley presented "a bill for the protection of the bridge across Scuppernon river, at Columbia, in Tyrrell county;" which was read the first time and passed.

On motion of Mr. Montgomery of Orange, ordered that the bill to vest the



right of electing sheriffs in the several counties within this State, in the free white men thereof, be printed, one copy for each member of the Legislature.

Received from the House of Commons a message, proposing that the two Houses ballot on to-morrow for a Major General of the 4th division of N. C. militia, stating that the names of Thomas G. Polk and John N. Phifer, are in nomination. Whereupon, on motion of Mr. Melchor, it was ordered that the message be laid upon the table.

The bill providing compensation for the jurors of the county of Beaufort, was read the second time and passed, and being read the third time, it was amended, on motion of Mr. Ward, by inserting the words "*and Onslow*" immediately after the word Beaufort in the caption of said bill; and, on motion of Mr. Montgomery of Hertford, it was ordered to be laid upon the table until to-morrow.

Mr. Sneed, from the committee appointed to conduct the balloting for a judge of the Supreme Court, reported that Thomas Ruffin, having received a majority of all the votes, is duly elected; in which report the Senate concurred.

The bill to erect out of a part of the counties of Burke and Buncombe a separate and distinct county, was taken up, and, on motion of Mr. Allen, ordered that the said bill be laid upon the table until to-morrow, and be committed to a committee of the whole house.

Mr. Caldwell presented the following resolution, to wit:

*Resolved*, As the opinion of this Legislature, that Congress, under the Constitution, possesses power to make improvements of national concern, and to appropriate the public funds towards the promotion of the general welfare.

And the resolution being read, on motion of Mr. Caldwell, it was ordered to lie on the table. Mr. Martin moved that the said resolution be printed one copy for each member of the Legislature; and the question being taken thereon, it was decided in the negative.

And the Senate adjourned until to-morrow, 10 o'clock.

WEDNESDAY, NOVEMBER 25, 1829.

A motion was made by Mr. Wellborn to reconsider the vote taken yesterday on the proposition to print the resolution submitted by Mr. Caldwell, and on the question will the Senate reconsider the said vote? it passed in the affirmative. Whereupon, on motion of Mr. Wellborn, ordered that the said resolution be printed, one copy for each member of the Legislature.

On motion of Mr. Davidson, ordered that a message be sent to the House of Commons, proposing that the two Houses proceed to ballot at their meeting on to-morrow morning for a Solicitor of the 6th Judicial Circuit; and stating that the name of William Julius Alexander is in nomination for the appointment; and, on motion of Mr. Askew, the name of Anderson Mitchel was added to the nomination.

Mr. Sneed presented the following resolution, to wit:

*Resolved*, That the committee of Finance be authorized and instructed to burn such amount of the Treasury Notes in the Treasurer's office as they may consider unfit for circulation, and that they report the amount to the Legislature.

Which was read the first time and passed; and, on motion of Mr. Sneed, ordered that the rule of the Senate requiring all resolutions, the object of which is to draw money from the Public Treasury, to be read three times on three several days, be dispensed with so far as regards this resolution.



Whereupon the resolution was read the second and third times and passed and ordered to be engrossed.

Mr. Williams of Martin, from the committee of Propositions and Grievances, to whom was referred the petition of John Griffith, jr. of the county of Buncombe, praying to be restored to credit, made a report thereon, recommending that the prayer of the said petitioner be rejected; in which report the Senate concurred.

Received from the House of Commons a message, stating that the name of John R. Donnell, of Newbern, is added to the nomination for Senator in Congress.

The Senate entered on the orders of the day, on the bill to erect out of a part of the counties of Burke and Buncombe a separate and distinct county; and the bill being read the second time, on motion of Mr. Sneed, ordered that the further consideration of that bill be postponed until to-morrow.

Mr. Moore presented a bill directing the manner, &c. in which Justices of the Peace shall hereafter be appointed; which was read the first time and passed.

Mr. Love presented a bill to repeal so much of an act, passed in the year 1827, entitled "an act to keep open the Tuckaseege river, the Tennessee river, and their tributary streams, in the county of Haywood," so far as relates to Catugajay creek, now in the county of Macon; which was read the first time and passed.

Mr. Moyer presented a bill to amend an act, passed A. D. 1828, entitled "an act to alter the time and places of holding the elections in Greene county;" which was read the first time, and, on motion of Mr. Miller, ordered to lie on the table.

Mr. Hinton, of Beaufort, presented a bill making provision, in certain cases, for the widows of intestates; which was read the first time and passed, and, on motion of Mr. Hinton of Beaufort, ordered that it be referred to the committee on the Judiciary.

On motion of Mr. Franklin, ordered that William W. Cowper, the Senator from the county of Gates, have leave to withdraw the papers submitted by him to the committee on Privileges and Elections, in the case of the contested election between himself and E. R. Hunter.

On motion of Mr. Hinton of Wake, ordered that a message be sent to the House of Commons, stating that the name of James Graham is added to the nomination for Solicitor of the 6th Judicial Circuit.

The bill providing compensation for the jurors of the counties of Beaufort and Onslow was read the third time. Whereupon, Mr. Montgomery of Hertford moved to amend it by inserting the word "*Hertford*" immediately after the word "*Onslow*;" and Mr. Miller moved further to amend said bill by inserting the word "*Duplin*" in the title thereof; which amendments were agreed to.

Mr. Spaight moved further to amend said bill, by adding the following as an additional section, to wit: "Be it further enacted, that the provisions of this act shall not extend to persons living without the limits of said counties;" and the question being taken thereon, it was determined in the negative. Whereupon the said bill passed the third reading as amended, and was ordered to be engrossed.

On motion of Mr. M'Diarmid,

Resolved, That the Judiciary committee be instructed to inquire into the expediency



of amending the law, so as to enable creditors to proceed to collect their debts out of the property of persons who die intestate, when letters of administration are not granted within a limited time; and that they report by bill or otherwise.

Mr. Allen presented a bill to amend an act, passed in the year 1826 entitled "an act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe;" which was read the first time and passed.

Mr. Harris presented a bill, designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; which was read the first time and passed.

Mr. Allison presented a bill to revive an act, passed in the year 1828, entitled "an act to authorise the committee of Finance of Iredell county to settle with the town commissioners of the town of Statesville;" which was read the first time and passed.

On motion of Mr. Caldwell, ordered that John M. Dick, the Senator from the county of Guilford, have leave of absence from and after this day, including Friday next.

Mr. Montgomery, of Hertford, presented the following preamble and resolution, to wit:

Whereas much inconvenience and unnecessary expenditure of public money, has been the result of trying free negroes and mulattoes by a jury; to remedy which,

*Be it resolved,* That the Judiciary committee be instructed to inquire into the expediency of passing a law to constitute three justices of the peace, in any county in this State, a competent tribunal to try free negroes and mulattoes for all offences against the State, other than capital, without the intervention of a jury; and that they report by bill or otherwise.

On motion of Mr. Matthews,

*Resolved,* That Robert Ray be directed to employ some person to assist him as Door-keeper of this House, during the sickness of Thomas B. Wheeler, and he be allowed a sum not exceeding one dollar per day.

On motion of Mr. Wellborn, ordered that the rule of the Senate requiring all resolutions, the object of which is to draw money from the Treasury, to be read three times, be dispensed with, so far as regards this resolution.

The bill to authorise the Court of Pleas and Quarter Sessions of Camden county to appoint a committee of Finance; the bill to amend an act, passed A. D. 1828, entitled an act to allow compensation to jurors of the original panel in the county of Buncombe; and the bill for the protection of the bridge across Scuppernon river at Columbia, in Tyrrell county, were severally read the second time and passed.

The Senate proceeded to consider a bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825; and, on motion of Mr. Askew, ordered that the said bill be laid upon the table, and that it be made the order of the day for Saturday next.

Received from the House of Commons the following resignations, to wit: the resignation of D. Tate, colonel commanding of the 48th regiment North Carolina militia; the resignation of James Ratliff, jr. lieutenant colonel of the 1st Anson regiment of North Carolina militia; the resignation of David Russell, a justice of the peace for the county of Haywood; and the resignation of Joshua Walters, a justice of the peace for the county of Anson, endorsed in that house "read and accepted;" and which were severally read and accepted by the Senate.

And the Senate adjourned until to-morrow, 10 o'clock.



THURSDAY, NOVEMBER 26, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill entitled a bill to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hertford and Duplin; in which they ask the concurrence of that house.

Mr. Martin, from the committee on Claims, to whom was referred that part of the Governor's Message which relates to the salary of the late Chief Justice Taylor, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the Treasurer be, and he is hereby authorised and directed to pay to the legal representatives of John Louis Taylor, deceased, late Chief Justice of this State, the sum of twelve hundred and fifty dollars, out of any monies in the Treasury not otherwise appropriated, in consideration of his services during the current year.

Which was read the first time and passed.

Received from the House of Commons a message of the date of yesterday, stating that they agree to the proposition of the Senate to ballot on to morrow morning for a Solicitor of the 6th Judicial Circuit, to supply the vacancy occasioned by the death of the late Joseph Wilson, Esquire. Whereupon a message was also received, stating that Messrs. Shipp and Long attend the Senate as superintendents of the balloting on the part of the House of Commons. Whereupon Messrs. Mosely and Marshall were appointed a committee to conduct the said balloting on the part of the Senate, and the House of Commons informed thereof by message.

The Senate proceeded to consider the bill to erect out of a part of the counties of Burke and Buncombe a separate and distinct county; when, on motion of Mr Caldwell, ordered that said bill be laid upon the table, and that it be made the order of the day for Tuesday next.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to provide for the payment of jurors in the counties of Rowan and Wake and for other purposes; and a bill concerning the patrols of Richmond county; in which they ask the concurrence of the Senate; which bills were read the first time and passed.

Mr. Miller presented the following resolution, to wit:

*Resolved*, That the Public Treasurer be authorised, and he is hereby requested, to make a report to this present General Assembly, what in his opinion would be the best way of investing the stock and funds of the State.

And the resolution being read, on motion of Mr. Meares, ordered that the said resolution be laid upon the table.

Mr. Allison presented a bill to authorise the justices of the peace of Ire-dell county to purchase a tract of land, and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of the county; which was read the first time and passed.

The Senate proceeded to consider the bill to vest the right of electing sheriffs in the several counties within this State in the free white men thereof; when, on motion of Mr. Montgomery of Orange, ordered that the said bill be laid upon the table, and that it be made the order of the day for Wednesday next.

Mr. Marshall, from the committee appointed to conduct the balloting for a Solicitor of the 6th Judicial Circuit, reported that no person in nomination has received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, proposing that another balloting take place immediately for a So-



licitor in the 6th Judicial Circuit. Whereupon a message was received from the House of Commons, stating that they agree to the proposition of the Senate, and that Messrs. Shipp and Long attend the Senate as superintendents of the balloting on the part of that house. Messrs. Mosely and Marshall were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

On motion of Mr. Sneed,

*Resolved,* That a select committee be appointed to inspect and examine into the condition of the office of the Clerk of the Senate, and that they make report thereof to this house

Mr. Mosely, from the committee appointed to conduct the balloting for a Solicitor of the 6th Judicial Circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing that another balloting be immediately had for a Solicitor of the 6th Judicial Circuit; which proposition was agreed to, and Messrs. Mosely and Marshall were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons informed thereof by message. Whereupon a message was received, stating that Messrs. Shipp and Long were appointed superintendents of the balloting on the part of the House of Commons.

The engrossed bill to provide for the payment of jurors in the counties of Rowan and Wake, and for other purposes, being read the second time, Mr. Miller moved to amend the said bill by inserting the word "*Duplin*" after the word "*Rowan*," in the fourth line of the first section; and Mr. Crump moved further to amend the said bill by inserting the word "*Montgomery*" immediately after the word "*Wake*," in the fifth line of the first section; which amendments were agreed to. The bill was thereupon read the second time as amended, and passed.

Mr. M'Diarmid presented the following resolution, to wit:

*Resolved,* That the committee on Internal Improvements be instructed to inquire into the expediency of amending the law, so as to permit persons to enter vacant Swamp and Marsh lands, where there is not a greater quantity than 640 acres vacant in any one Swamp, and that they report by bill or otherwise.

Which being read, Mr. Miller moved an amendment, by striking out the whole of said resolution, and inserting the following, to wit:

*Resolved,* That the committee on Internal Improvements be instructed to inquire into the expediency of altering the law as regards the entry of vacant lands.

Which amendment was agreed to, and the question being taken on the adoption of the resolution as amended, it passed in the affirmative.

The engrossed bill concerning the patrols of Richmond county, was read the second and third times and passed, and ordered to be engrossed.

The bill to authorise the justices of the peace of Iredell county to purchase a tract of land, and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of the county; the bill to revive an act, passed in the year 1828, entitled an act to authorise the committee of Finance of Iredell county to settle with the town commissioners of the town of Statesville; the bill to repeal so much of an act, passed in the year 1827, entitled an act to keep open the Tuckaseege river, the Tennessee river, and the tributary streams, in the county of Haywood so far as relates to the Catugajay creek, now in the county of Macon; and the bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters, were severally read the second and third times and passed, and ordered to be engrossed.



The bill to amend an act, passed A. D. 1828, entitled an act to allow compensation to jurors of the original pannel in the county of Buncombe; the bill to authorise the Court of Pleas and Quarter Sessions of Camden county to appoint a committee of finance; and the bill for the protection of the bridge across Scuppernong at Columbia, in Tyrrell county, were severally read the third time and passed, and ordered to be engrossed.

Mr. Moore presented the following resolution to wit:

*Resolved*, That in case an increased amount of Treasury notes for payment, together with the contingent charges of government for the next fiscal year, shall reduce the funds of the Treasury so low as to require aid before the receipt of the revenue of the ensuing year, the Public Treasurer is, and shall hereby be authorised to obtain loans from the State Bank, on the deposit of Treasury notes or otherwise.

And the resolution being read on motion of Mr. Miller, ordered that it be referred to the committee on Finance.

Received from the House of Commons the resignation of Bryant Wooten, a justice of the peace for the county of New Hanover, endorsed in that House "read and accepted;" which was also read and accepted by the Senate.

And the Senate adjourned until to-morrow, 10 o'clock.

#### FRIDAY, NOVEMBER 27, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to revive an act, passed in the year 1828, entitled an act to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; a bill to amend an act, passed A. D. 1828, entitled an act to allow compensation to jurors of the original pannel of the county of Buncombe; a bill to authorise the Court of Pleas and Quarter Sessions of Camden county to appoint a committee of Finance; a bill to repeal so much of an act, passed in the year 1827, entitled an act to keep open the Tuckasee river, the Tennessee river and their tributary streams, in the county of Haywood, so far as relates to the Catagajay creek, now in the county of Macon; a bill for the protection of the bridge erected across Scuppernong river at Columbia, in Tyrrell county; a bill to authorise the justices of the peace of Iredell county to purchase a tract of land, and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of the county; and a bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; in which they ask the concurrence of the House of Commons.

Mr. Mosely, from the committee appointed to conduct the balloting for a Solicitor of the 6th judicial circuit, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing that another balloting be had immediately for a Solicitor of the 6th judicial circuit; which proposition was agreed to, and Messrs. Moore and Montgomery of Hertford were appointed a committee to superintend the balloting on the part of the Senate. Whereupon a message was received from the House of Commons, stating that Messrs. Pearson and Bynum attend the Senate as superintendents of the balloting on their part.

Mr. Love presented the following communication from the Secretary of State, to wit:

*To the Honorable the General Assembly of North Carolina.*

GENTLEMEN,—An act of the last General Assembly, amongst other duties, directs the Se-



ecretary of State to have divided into sixty-four parts the public documents in the Governor's Office, the Library and elsewhere, and to transmit to each county in the State their respective parcels, by such conveyance as might be deemed expedient. An attempt was made to comply with the requisitions of said act. No appropriation being made to defray the expenses for transmitting the documents (which are voluminous) to the different counties, I was unable to effect the object of the Legislature. It, therefore, remains for the present General Assembly, should they deem it expedient, to make provision for carrying into effect the object of the act.

Very respectfully, your obedient servant,

WM. HILL.

Nov. 26th, 1829.

And the communication being read, on motion of Mr. Love, ordered that the said communication be referred to the joint select committee on the Library.

Received from the House of Commons a message, stating that they concur in the resolutions of the Senate, adopted on the 23d instant, proposing to refer the several subjects therein embraced to a joint select committee, and stating that they have appointed Messrs. Gaston, Hill of Wilmington, Nash, Graham and Swain to form said committee on the part of that House.

On motion of Mr. Cowper,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so altering the law relating to deceased insolvent debtors, so as to cause an equal distribution of all their effects among their creditors in proportion to their respective claims; and that they report by bill or otherwise.

On motion of Mr. Williams of Franklin, ordered that a message be sent to the House of Commons, proposing to ballot immediately for a Major General of the 4th division. Whereupon a message was received from the House of Commons, stating that they agree to the proposition of the Senate, and that Messrs. Swain and Smith of Craven attend the Senate as superintendents of the balloting on the part of that House. Messrs. Williams of Martin and Smith were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

The engrossed bill to provide for the payment of jurors in the counties of Rowan and Wake, and for other purposes, being read the third time, Mr. Sneed moved to amend the said bill by inserting the word "*Granville*" in the fifth line of the first section; and Mr. Underwood moved further to amend the said bill by inserting the word "*Sampson*" in the fifth line of the first section, and to make the provisions and title of the bill correspond thereto. Whereupon, on motion of Mr. Askew, ordered that the bill be laid upon the table.

Mr. Beasley presented the following resolution, to wit:

*Resolved*, That the Public Treasurer be instructed to call upon the Cashiers of the different banks of this State for a statement, setting forth the amount of money due their respective banks and branches, by the directors and stockholders of each institution; likewise the amount due by individuals, who are not interested in said institutions; and make a report of the facts to the present General Assembly.

And the resolution being read, Mr. Sneed moved that the further considerations thereof be postponed until to-morrow; which was agreed to.

On motion of Mr. Franklin, the Senate proceeded to consider the message received from the House of Commons on the 23d instant, proposing that the report of the commissioners appointed under a resolution of the last General Assembly, on the claim of the State against the United States, and the old standing accounts on the books in the Comptroller's office, be referred to a select joint committee, and be printed, one copy for each member of the Legislature; and the question being taken on concurring with the



proposition from the House of Commons, it was decided in the affirmative. Messrs Davidson, Wellborn, Love, Matthews and Hinton of Beaufort, were appointed to form the committee on the part of the Senate, and the House of Commons were informed thereof by message.

A message was sent to the House of Commons, stating that Messrs. Mitchell, Mosely and Moore are appointed a committee on the part of the Senate on the Public Library, in pursuance of the joint rules of the two Houses.

On motion of Mr. Miller, the Senate proceeded to consider the bill to amend an act, passed A. D. 1828, entitled an act to alter the time and places of holding the elections in Greene county; which being read the second time, Mr. Miller moved an amendment, to wit: at the end of the second section insert the following: "*And under the same rules and regulations as prescribed by the said act;*" which amendment was agreed to; and the bill, as amended, read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the committee appointed to conduct the balloting for Solicitor of the 6th judicial circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred. Whereupon, on motion of Mr. Montgomery, of Hertford, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for Solicitor of the 6th judicial circuit.

On motion of Mr. Miller, ordered that a message be sent to the House of Commons, proposing to ballot immediately for a Senator in the Congress of the United States, as heretofore agreed upon, and stating that Messrs. Burns and Miller attend the House of Commons as superintendents of the balloting on the part of the Senate.

A message was received from the House of Commons, stating that they agree to the proposition of the Senate to ballot again immediately for Solicitor of the 6th judicial circuit, and naming Messrs. Pearson and Bynum as a committee to conduct the balloting on the part of that House. Whereupon Messrs. Sherard and Williams of Franklin were appointed to conduct the balloting on the part of the Senate.

Received also a message from the House of Commons, stating that they agree to the proposition of the Senate to ballot immediately for a Senator in the Congress of the United States, and naming Messrs. Campbell and Borden as superintendents of the balloting on the part of that House.

Mr. Allen presented the following resolutions, to wit:

*Resolved*, That the Solicitor of the 6th judicial district of the State of North Carolina be, and he is hereby required to institute an immediate prosecution against Samuel Chunn, of Buncombe county, President of the Buncombe Turnpike Company, for fraudulently becoming a contractor to said company.

*Resolved further*, That the Public Treasurer be, and he is hereby required to institute in the Superior Court of Law of Buncombe an immediate suit in his own name, in behalf of the State, against Samuel Chunn, of the county of Buncombe, for the sum of five thousand dollars, or more, fraudulently obtained by said Samuel Chunn, under pretence of the aforesaid contract.

And the resolutions having been read, on motion of Mr. Sneed, ordered that they be laid upon the table.

Mr. Williams, of Martin, from the committee appointed to conduct the balloting for a Major General of the 4th division, reported that Thomas G. Polk, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.



Mr. Sherard, from the committee appointed to conduct the balloting for Solicitor of the 6th judicial circuit, reported that no person in nomination had received a majority of votes; in which report the Senate concurred. Whereupon, on motion of Mr. Bell, ordered that a message be sent to the House of Commons, proposing that another balloting take place immediately for Solicitor of the 6th judicial circuit.

Mr. Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred the petition of Robert Robertson, of Mecklenburg, praying to be placed on the pension list of the State, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the prayer of the petitioner be not allowed.

And the question being taken thereon, it was decided in the affirmative.

Mr. Williams, of Martin, from the same committee, to whom was referred the petition of Henry Houston, of Mecklenburg county, praying to be placed on the pension list of the State, made a report thereon, accompanied with the following resolution, to wit:

*Resolved*, That the prayer of the petitioner be allowed.

Mr. Davidson moved that the report and resolution be laid upon the table; which was not agreed to; and the question recurring on the adoption of the resolution, it passed in the affirmative.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate, that another balloting be had immediately for Solicitor of the 6th judicial circuit, and naming Messrs. Bynum and Pearson as superintendents of the balloting on the part of that House.— Whereupon Messrs. Williams of Franklin and Sherard were appointed a committee to conduct the ballot on the part of the Senate; and the House of Commons were informed thereof by message.

Mr. Miller, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of votes; in which report the Senate concurred. Whereupon, on motion of Mr. Ward, ordered that a message be sent to the House of Commons, proposing that another balloting take place immediately for a Senator in Congress.

The bill directing the manner, &c. in which justices of the peace shall hereafter be appointed, was read the second time, and resolved that the same shall not pass.

Mr. Davidson presented the petition of Thomas Walker, of Mecklenburg county, praying payment for certain services performed by him during the revolutionary war. Ordered that said petition be referred to the committee on Claims.

The bill to amend an act, passed A. D. 1824, entitled an act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe, was read the second time and passed.

On motion of Mr. Miller, the Senate proceeded to consider the resolution submitted by him on yesterday, proposing to call on the Public Treasurer for information in regard to the best mode of investing the public funds; and the resolution being read, it was resolved that the same shall not pass.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Absalom Williams, of the county of Davidson; in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first time and passed.

The Senate then proceeded to consider the resolution reported by the



committee of Claims in favor of the representatives of the late Chief Justice Taylor; when, on motion of Mr. Caldwell, ordered that the said resolution lie upon the table.

Received from the House of Commons the certificate of allowance made by the County Court of Craven in favor of Thomas Ewell, Christopher Bexley and Capt. John Rhem, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons."

Received also from the House of Commons the resignation of John Dargan, Colonel commandant of the second regiment of Montgomery county militia; the resignation of Malcolm Mourae, a justice of the peace for the county of Montgomery; and the resignation of Daniel Cress, a justice of the peace for the county of Cabarrus, endorsed in that House "read and accepted;" and which were severally read and accepted by the Senate.

And the Senate adjourned until to-morrow, 10 o'clock.

SATURDAY, NOVEMBER 28 1829.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to amend an act, passed A. D. 1828, entitled 'an act to alter the time and places of holding the elections of Greene county;'" in which they ask the concurrence of that House.

Mr. Williams, of Franklin, from the committee appointed to conduct the balloting for Solicitor of the 6th judicial circuit, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

On motion of Mr. Hinton, of Wake, ordered that William W. Boddie, the Senator from the county of Nash, have leave of absence from the services of the Senate for Monday next.

A message was sent to the House of Commons, stating that Messrs. Caldwell and Dick are appointed a committee on enrolled bills on the part of the Senate in pursuance of the joint rules.

Messrs. Sneed, Davis, Walton, Hinton of Wake, and Boddie were appointed to form the committee on the resolution submitted by Mr. Sneed on the 26th instant, relative to the clerk's office of the Senate.

Received from the House of Commons a message, proposing that another balloting be had immediately for Solicitor of the 6th judicial circuit; which proposition was agreed to, and Messrs. Williams of Franklin, and Moore, were appointed a committee to conduct the balloting on the part of the Senate; and the House of Commons were informed thereof by message.

On motion of Mr. Sneed, the Senate proceeded to consider the resolution submitted by Mr. Beasley on the 27th instant, instructing the Public Treasurer to call upon the Cashiers of the different banks for certain information in relation to the amount due by the directors and stockholders of the said banks, to each institution, also the amount due by individuals, who are not interested in the said institutions; and the said resolution having been read, Mr. Beasley moved to amend it by adding the following, at the end of the said resolution, to wit: "And he is hereby requested to demand from the said Cashiers a further statement exhibiting the true amount of notes secured by a pledge of stock, or other security by the said directors and stockholders." On motion of Mr. Hinton, of Wake, ordered that the said resolution, together with the amendment, be laid upon the table.

Received from the House of Commons a message, stating that Messrs.



Bynum and Pearson attend the Senate as superintendents of the balloting for Solicitor of the 6th judicial circuit on the part of that House.

On motion of Mr. Miller, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for a Senator in Congress.

Mr. Martin, from the committee on Claims, to whom was referred that part of the Governor's message which relates to Miss Udney M. Blakely, together with a bill concerning the same, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That it is inexpedient to continue the annual appropriation made for the education and support of Miss Udney M. Blakely, and that the same be discontinued.

The report and resolution having been read, Mr. Meares moved that they be laid upon the table; which was agreed to.

Mr. Cowper presented a bill to compel the Clerk of the County Court of Pleas and Quarter Sessions of Gates to keep the whole of the records, books, papers, &c. belonging to his office, in the office in Gates court house; which was read the first time and passed.

Mr. Sherard presented the petition of sundry citizens of the counties of Wayne, Edgecomb, Nash and Johnston, praying the erection of a new county out of a part of the said counties of Wayne, Edgecomb, Nash and Johnston. On motion of Mr. Sherard, ordered that the said petition be laid upon the table. Mr. Sherard also gave notice that he should move an amendment to the bill, proposing to erect out of a part of the counties of Burke and Boncombe a separate and distinct county, so as to provide for the erection of a new county out of the aforesaid counties of Wayne, Edgecomb, Nash and Johnston, in compliance with the prayer of the petitioners.

Mr. Leonard presented a bill to make compensation to the jurors of the county of Brunswick; which was read the first time and passed.

Mr. Welch presented a bill to authorise James M'Kee, sheriff of Haywood county, to collect certain taxes therein mentioned; which was read the first time and passed.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate to ballot again immediately for a Senator in Congress, and naming Messrs. Campbell and Long as superintendents of the balloting on the part of that House. Whereupon Messrs. Miller and Burns were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Williams, of Martin, from the committee appointed to conduct the balloting for Solicitor of the 6th judicial circuit, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

A message was received from the House of Commons, proposing that another balloting be had immediately for Solicitor of the 6th judicial circuit, and stating that the name of James Graham is withdrawn from the nomination; which proposition was agreed to by the Senate, and Messrs. Williams of Martin, and Moore were appointed a committee to superintend the balloting on the part of the Senate, and the House of Commons were informed thereof by message. Whereupon a message was received, stating that Messrs. Bynum and Pearson attend the Senate as superintendents of the balloting on the part of the House of Commons.



The bill to amend an act, passed A. D. 1824, entitled "an act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe," was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to legitimate Alexander Cheshire, of the town of Edenton, and county of Chowan; a bill for the better regulation of the town of Smithville, in Brunswick county; a bill concerning the elections in the county of Carteret; a bill to repeal an act of 1805, chapter 36th, entitled an act to amend an act of Assembly now in force for the better regulation of the town of Morganton; a bill to appoint a committee of Finance for the county of Sampson; a bill appointing trustees for the Union Academy in the county of Duplin; and a bill to alter the names of Ezekiel Harrison Wall and Elizabeth Ann Pabitha Wall, of Columbus county; which bills were severally read the first time and passed, with the exception of the last named bill, which was, on motion of Mr. Wellborn, ordered to lie on the table.

Mr. Williams, of Martin, from the committee appointed to conduct the balloting for Solicitor of the 6th judicial circuit, reported that William J. Alexander, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825; and the bill to compel the Clerk of the County Court of Pleas and Quarter Sessions of Gates county to keep the whole of the records, books, papers, &c. belonging to his office, in the office at Gates court house, were read the second time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill for altering the time for appointing overseers of roads in the county of Richmond, with an amendment, to wit: after the word county in the 12th line and first section, add the words "shall be transacted at the said April Court;" in which amendment the Senate concurred, and the House of Commons were informed thereof by message.

Mr. Burns, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred. Whereupon, on motion of Mr. Ward, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a Senator in Congress.

The engrossed resolution in favor of Absalom Williams, of the county of Davidson, was read the second time and passed.

Received from the House of Commons a message, agreeing to ballot again immediately for a Senator in Congress, and stating that the name of Archibald D. Murpley is withdrawn from the nominations and stating further that Messrs. Campbell and Long attend the Senate



as superintendents of the balloting. Whereupon Messrs. Miller and Burns were appointed a committee to conduct the balloting on the part of the Senate.

Mr. Cowper presented the resignation of Hillory Willey, a justice of the peace for the county of Gates; which was read and accepted, and sent to the House of Commons.

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 30, 1829.

A message was sent to the House of Commons, stating that the Senate had passed the engrossed bill, entitled "a bill to amend an act, passed A. D 1824, entitled an act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe;" in which they ask the concurrence of that House.

Mr. M'Daniel presented the resignation of Mr. Hardy Perry, a justice of the peace for the county of Jones; Mr. Wilson presented the resignation of D. Bryan, a justice of the peace for the county of Edgecomb; and Mr. Dickinson presented the resignation of Wilkes Brooks, a justice of the peace for the county of Pitt; which were severally read and accepted, and sent to the House of Commons.

Mr. Miller, from the committee appointed to conduct the balloting for Senator in Congress, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred. Whereupon, on motion of Mr. Burgin, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a Senator in Congress; and, on motion of Mr. Williams of Martin, the name of Samuel P. Carson was withdrawn from the nomination.

Mr. Marshall presented a bill relative to the Wadesborough Academy in Anson county; which was read the first time and passed.

Received from the House of Commons a message, stating that they agree to ballot again immediately for a Senator in the Congress of the United States, and informing that Messrs. Polk and Gary attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. Davidson and Ward were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Mr. Wilson, from the Board of Commissioners appointed in virtue of an act of the General Assembly for the representation of the stock of this State in all general meetings of the several Banks in this State, made a detailed report, accompanied by sundry documents; which being read, on motion of Mr. Sneed, ordered that a message be sent to the House of Commons, proposing that the said report, together with the accompanying documents, be referred to a joint select committee on the banks and circulating medium of the State.

The engrossed resolution in favor of Absalom Williams, of the county of Davidson, was read the third time and passed, and ordered to be enrolled.



On motion of Mr. Martin, the Senate proceeded to consider the resolution relative to the banks, submitted by Mr. Beasley on the 27th instant. Whereupon Mr. Beasley moved to withdraw the amendment proposed by him to the said resolution on the 28th instant; which was agreed to. Mr. Beasley further moved to amend the said resolution, by striking out the whole thereof, except the word "resolved," and insert in lieu thereof the following, to wit: "that the Public Treasurer be instructed to call upon the Cashiers of the different banks of this State, their branches and agencies, for a statement setting forth the amount of money due their respective banks and branches by the directors and stockholders of each institution; likewise the amount due by individuals of this State who are not interested in said institutions; and that he is hereby required to call upon the Cashiers of each bank for a further statement, exhibiting the true amount of notes that are now due to said banks as stock notes or stand secured by pledge of stock, and report the facts to the present General Assembly;" and the question being taken on agreeing to the said amendment, it was decided in the affirmative; and the resolution as amended was adopted and ordered to be engrossed.

Mr. Davidson, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

On motion of Mr. Sneed, the Senate proceeded to consider the resolution concerning Samuel Chunn, of the county of Buncombe, submitted by Mr. Allen on the 27th instant; and the resolution having been read, Mr. Sneed moved to amend the same, by striking out the whole thereof, except the word "resolved," and to insert the following, to wit: "that the committee on Internal Improvement inquire into the circumstances connected with letting out and undertaking the contracts of the Buncombe turnpike road, and whether the said contracts were taken by persons duly authorised by the law of the State to take the same, and whether there was fraud on the part of the directors or of the undertakers; and that said committee report by bill or otherwise such measures as they shall think just and proper;" and the question being taken on the adoption of the said amendment, it was decided in the affirmative.

On motion of Mr. Martin, ordered that the bill to establish a Bank on behalf of, and for the benefit of the State, be committed to a committee of the whole House, and that it be made the order of the day for Tuesday next.

On motion of Mr. Matthews, the Senate proceeded to consider the report of the committee on Claims relative to the salary of the late Chief Justice Taylor. Whereupon, on motion of Mr. Mitchell, ordered that the said report, together with the resolution accompanying the same, be recommitted to the committee on Claims.

Mr. Allen presented the petition of sundry persons of the county of



**Buncombe**, praying an appropriation to open a road in said county. Ordered that the said petition be referred to the committee on Internal Improvements.

On motion of **Mr. Bell**, ordered that a message be sent to the House of Commons, proposing that another balloting take place immediately for a Senator in Congress.

The bill to amend an act, entitled "an act for the relief of certain purchasers of the Cherokee lands," passed in the year 1825; and the bill to compel the clerk of the County Court of Pleas and Quarter Sessions of Gates county to keep the whole of the records, books, papers, &c. belonging to his office, in the office at Gates court house, were read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, accompanied by a message from the Governor, communicating the annual report of the Board of Internal Improvement, and proposing that the said report should be printed, one copy for each member of the Legislature; which proposition was agreed to by the Senate, and the House of Commons informed thereof by message.

The bill to make compensation to the jurors of the county of Brunswick; and the bill relative to the Wadesborough Academy, in Anson county, were read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they agree to ballot again immediately for a Senator in Congress, and informing that Messrs. Hatch and Buie attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. Davidson and Ward were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

The engrossed bill concerning the elections in Carteret county, was read the second time; and, on motion of **Mr. Sherard**, ordered that a message be sent to the House of Commons, proposing to refer the said bill to a joint select committee, consisting of the members composing the 4th congressional district.

The following engrossed bills, to wit: A bill for the better regulation of the town of Smithville, in Brunswick county; a bill appointing trustees for Union Academy, in the county of Duplin; a bill to repeal an act of 1805, chapter 36th, entitled "an act to amend an act of Assembly now in force for the better regulation of the town of Morgantown;" and a bill to appoint a committee of Finance for the county of Sampson, were severally read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to allow compensation to the jurors of the county of Burke; a bill respecting jurors in the county of Hyde; a bill for the better regulation of the courts of the county of



Beaufort; also a resolution in favour of Archibald S. Brown; which bills and resolution were severally read the first time and passed.

Received also a message from the House of Commons, stating that they have passed the following engrossed resolutions, in which they ask the concurrence of the Senate, to wit: A resolution in favor of James Riley, of Davidson county; and a resolution requesting the Governor to deliver to the Public Treasurer his check on the Cashier of the State Bank of North Carolina, for the sum of \$2,113 90, now in deposit in said bank to the credit of the Governor of the State; which resolutions were read and adopted by the Senate, and ordered to be enrolled.

Mr. Burgin presented a bill to repeal an act, passed A. D. 1828, entitled "an act to appoint commissioners on a part of the road leading from Morganton to Avery's turnpike road, in Burke county; which was read the first time and passed.

The engrossed bill to alter the names of Ezekiel Harrison Wall and Elizabeth Ann Tabitha Wall, of Columbus county, was taken up on motion of Mr. Dick, and read the first time and passed.

The Senate then proceeded to consider the engrossed bill to provide for the payment of jurors in the counties of Rowan and Wake, and for other purposes. Whereupon Mr. Askew moved to amend the said bill by inserting the word "Bertie;" and Mr. Moore moved further to amend the said bill by inserting the word "Stokes" in the fifth line of the first section; which amendments were agreed to; and the bill as amended was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence to the amendments.

The engrossed bill to legitimate Alexander Cheshire, of the town of Edenton, and county of Chowan, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons the resignations of E. Everitt, a justice of the peace for the county of Beaufort, and of William H. Bryson, a justice of the peace for the county of Macon, endorsed in that House "read and accepted;" and which were read and accepted by the Senate.

And the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 1, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to make compensation to the jurors of the county of Brunswick; a bill relative to the Wadesborough Academy, in Anson county; a bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands in the year 1825; and a bill to compel the clerk of the County Court of Pleas and Quarter Sessions of Gates county to keep the whole of the records, books, &c. belonging to his office in the office at Gates Court House; also a resolution concerning the Banks; in which they ask the concurrence of the House of Commons.



Mr. Ward, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing that another balloting be had immediately for a Senator in Congress; which proposition was agreed to, and Messrs. Sneed and Hinton of Wake were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

On motion of Mr. Wellborn,

*Resolved.* That the committee on Internal Improvements be instructed to inquire into the expediency of appropriating a sum of money to aid the inhabitants living on the main road leading from Wilkesborough to Trap Hill; and from thence to the main State road leading from Jonesville, in Surry county, to the lead mines in Wythe county, in Virginia; and from thence to the salt works and the quarry of plaster paris in Washington county, Virginia; with leave to report by bill or otherwise.

Mr. Wilson presented a bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river, above the mouth of Fishing creek; which was read the first time and passed.

On motion of Mr. Matthews,

*Resolved.* That the Judiciary committee be instructed to inquire into the expediency of so amending the laws relative to deeds in trust and mortgages, as to give them more publicity; and that they report by bill or otherwise.

Received from the House of Commons a message, stating that Messrs. Newland and Branch attend the Senate as superintendents of the balloting for Senator on the part of that House.

The engrossed resolution in favor of Archibald S. Brown, was read the second time and passed.

On motion of Mr. Caldwell, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Marshall in the Chair, to take into consideration the bill to erect out of a part of the counties of Burke and Buncombe a separate and distinct county; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Marshall reported that the committee had had the said bill under consideration, and had instructed him to report the same without amendment, and recommend that it be passed into a law; and the question being taken on concurring with the report of the committee of the whole, it was decided in the negative—ayes 28, noes 50. The ayes and noes being demanded by Mr. Martin.

Those who voted in the affirmative, are Messrs. Allen, Allison, Brower, Burgin, Caldwell, Crump, Davidson, Dick, Franklin, Harris, Hoke, Johnson, Love, M'Diarmid, M'Entire, M'Farland, M'Neil, Marshall, Martin, Meares, Melchor, Mitchell, Montgomery of O. Moore, Ramsey, Smith, Wellborn, Welch.

Those who voted in the negative, are Messrs. Askew, Barnes, Beasley, Bell, Burney, Cowper, Davenport, Davis, Dickinson, Etheridge, Hinton of Wake, Hinton of Beaufort, Leonard, M'Daniel, Matthews, Miller, Montgomery of H. Mosely, Moyer, Pool, Spaight, Sanders, Sherard, Sneed, Underwood, Walton, Ward, Williams of F. Williams of M. Wilson.

The question then recurring on the passage of the bill at its second reading, Mr. Sherard moved to amend it by adding the following as an additional section, to wit: "And be it further enacted, that all that part of the counties of Wayne, Edgecomb, Nash and Johnston, con-



tained in the following boundaries, to wit: beginning in the Greene and Wayne line, on the north side of Manhuntly swamp; thence the said Greene and Wayne line across Cotentnea creek; thence with the said Greene and Edgecomb line to the Pitt line, at or near Eleonor Evans'; thence a direct line to the Pender place; thence a direct line to Tar river at James Veveret's; thence up said river to the Franklin county line; thence with the said Franklin line to Moccasin creek; thence down said creek to Lee's mills; thence a direct line to where the Raleigh road crosses the Mulatto branch; thence a direct line to Faulk's bridge, across Little river; thence down said river to the mouth of Furnace branch; thence a direct line to Watkins's old mill, across the Great Swamp; thence a direct line to the head of the Marsh branch, a north prong of Manhuntly swamp; thence down said branch to the mouth where it empties into Manhuntly swamp; thence down said swamp to the beginning; be, and the same is hereby erected into a separate and distinct county, by the name of Spaight, with all the rights, privileges and immunities of other counties in this State;" and the said amendment having been read, on motion of Mr. Shepard, ordered that the bill, together with the amendment, be recommitted to the select committee who reported the bill.

Mr. Mosely presented the resignation of Geo. Whitfield, a justice of the peace for the county of Lenoir; which was read and accepted, and sent to the House of Commons.

Mr. Sneed, from the committee appointed to conduct the balloting for Senator in Congress, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

And the Senate adjourned until to-morrow, 10 o'clock.

WEDNESDAY, DECEMBER 2, 1829.

On motion of Mr. Shepard, ordered that the petition of sundry inhabitants of the counties of Wayne, Edgecomb, Nash and Johnston, praying the erection of a new county, be referred to the select committee on that subject.

On motion of Mr. Martin, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a Senator in Congress.

Mr. Hoke presented a bill concerning the liability of certain hands in the town of Lincolnton to work on roads; which was read the first time and passed.

On motion of Mr. Love,

*Resolved*, That the Secretary of State be, and he is hereby authorised to correct an error in a certificate of survey of a tract of land, sold by the commissioners appointed to sell the land lately acquired by treaty from the Cherokee Indians to George Rish for 100 acres and 23 poles, so as to make the same in section No. 74, and District No. 15, instead of section No. 74, and District No. 74, and that when so corrected, he issue a grant thereon, on the Treasurer's receipts, for the full amounts of such purchase being filed with said certificate of survey.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill more effectually to prevent obstructions of fish up Rocky river, joining Anson county, to the Mecklenburg line; and a bill



amendatory of the law respecting the crime of bigamy; which bills were severally read the first time and passed.

Received from the House of Commons a message, stating that they agree to ballot again immediately for a Senator in Congress, and informing that Messrs. Stedman and Lilly attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. Caldwell and Montgomery of Hertford were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Mr. Love presented a bill to amend the 10th section of an act, passed in the year 1819, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians;" which was read the first time and passed.

Mr. Dick presented a bill to amend an act, passed in the year 1824, entitled "an act for the better regulation of the town of Greensborough, in Guilford county;" which was read the first time and passed.

Mr. Mosely presented a bill to annex a part of the county of Jones to the county of Lenoir; which was read the first time and passed. Ordered that the said bill and the petition accompanying it, be referred to the committee on Propositions and Grievances.

On motion of Mr. Cowper,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relative to the stay of executions on judgments taken before justices of the peace, so as to exonerate securities to original notes, whenever such executions shall be stayed against the will and consent of the security, and that they report by bill or otherwise.

Mr. Allen presented a bill concerning the Buncombe Turnpike Company; which was read the first time and passed.

Mr. Davidson presented the petition of Hugh M'Cain, of Mecklenburg county, praying the Legislature to allow him the sum of \$250, in lieu of that amount of paper currency paid to him in consideration of services performed by him during the revolutionary war. Ordered that the said petition be referred to the committee on Claims.

Mr. Dick presented the petition of Martha W. Patrick, of Greensborough, in Guilford county, praying that an act may be passed securing to her such property as she may hereafter acquire. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Mr. Davidson presented a bill to legitimate Nathan Oliver, of Washington county; which was read the first time and passed.

Mr. Montgomery of Hertford, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing that another balloting be had immediately for a Senator in Congress; which proposition was agreed to, and Messrs. Caldwell and Montgomery of Hertford were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message. Whereupon a message was received, stating that Messrs. Rhodes and Nicholson of Richmond are appointed a committee to conduct the balloting on the part of the House of Commons.

The engrossed resolution in favour of Archibald S. Brown, was read the third time and passed, and ordered to be enrolled.



The following engrossed bills, to wit: A bill respecting jurors in the county of Hyde; a bill for the better regulation of the courts of the county of Beaufort; a bill to allow compensation to jurors for the county of Burke; and a bill to alter the names of Ezekiel Harrison Wall and Elizabeth Ann Tabitha Wall, of Columbus county, were severally read the second time and passed.

The bill to repeal an act, passed A. D. 1828, entitled "an act to appoint commissioners on a part of the road leading from Morganton to Avery's turnpike road in Burke county;" and the bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines or nets in Tar river above the mouth of Fishing creek, were read the second time and passed.

Received from the House of Commons the following preamble and resolutions, to wit:

Whereas it is an object of great importance to the commerce of this State that the waters of Neuse river should be connected with those of Beaufort harbor by a ship canal:

*Resolved*, That a joint select committee be appointed to take into consideration the most effectual means for making such canal, and to inquire into the propriety of requiring the aid of the General Government thereto.

*Resolved*, That said committee have leave to report by bill or otherwise.

And the question being taken on agreeing to the said resolutions, it was determined in the affirmative. Ordered that Messrs. Burns, Hinton of Beaufort, Moye and Meares, form the committee on the part of the Senate, and the House of Commons were informed thereof by message. Whereupon a message was received from the House of Commons, stating that Messrs. Borden, Gaston, Smith of Craven, Hellen and Swain, form the committee on the part of that House.

A message was also received from the House of Commons, stating that they concur in the proposition of the Senate, to refer a bill concerning the elections in Carteret county, to a joint committee, consisting of the members from the 4th Congressional district.

Received also a message from the House of Commons, stating that they agree to the proposition of the Senate to refer the report of commissioners appointed in virtue of an act of the General Assembly for the representation of the stock of the State, &c. in all general meetings of the stockholders of the several banks in this State to the joint select committee on so much of the Governor's message as relates to the banks and circulating medium of the State.

On motion of Mr. Wellborn, the Senate entered on the orders of the day, and resolved itself into a committee of the whole house, Mr. Davidson in the chair, to take into consideration the bill to vest the right of electing sheriffs of the several counties within this State in the free white men thereof; and, after some time spent therein, the Speaker resumed the chair, and Mr. Davidson reported that the committee of the whole had had the said bill under consideration, and made some progress therein, and, not having time to go through the same, had directed him to ask leave to sit again. The question was then taken, Shall the committee have leave to sit again? and it was determined in the affirmative. Ordered that the committee of the whole house have leave to sit again, on the said bill, on Friday next.

Mr. Montgomery, of Hertford, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomina-



tion had received a majority of the votes; in which report the Senate concurred.

And the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 3, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution in favor of George Rish; in which they ask the concurrence of that House.

Mr. Williams, of Martin presented a bill concerning the County Courts of Martin county; which was read the first time and passed.

On motion of Mr. Matthews, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a Senator in Congress.

On motion of Mr. Welch, the bill to authorise James M'Kee, Sheriff of Haywood county, to collect certain taxes therein mentioned, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to ballot again for a Senator in Congress, and stating that Messrs. Sasser and Calloway attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. Hinton of Wake and Matthews were appointed a committee to conduct the balloting on the part of the Senate; and the House of Commons were informed thereof by message.

The bill concerning the Buncoobe Turnpike Company; and the bill to legitimate Nathan Oliver, of Washington county, were read the second and third times and passed, and ordered to be engrossed.

The engrossed bill more effectually to prevent obstructions to the passage of fish up Rocky river, joining Anson county, from the mouth to the Mecklenburg line, was read the second time. Mr. Marshall moved to amend the said bill by striking out the word "Mecklenburg," in the eleventh and last lines of the first section, and insert in lieu thereof the word "Cabarrus," and to make the title of the bill correspond thereto; which amendments were agreed to, and the bill, as amended, was passed the second time, and subsequently passed the third time; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill to amend the 10th section of an act, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty with the Cherokee Indians, was read the second time and passed.

The bill concerning the liability of certain hands in the town of Lincoln-ton to work on roads, was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1824, entitled an act for the better regulation of the town of Greensborough, in Guilford county, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to alter the names of Ezekiel Harrison Wall and Elizabeth Ann Tabitha Wall, of Columbus county, was read the third time and passed, and ordered to be enrolled.

The engrossed bill respecting jurors in the county of Hyde, was read the third time, and, on motion of Mr. Dickinson, ordered to lie on the table; and the engrossed bill for the better regulation of the courts of the county of Beaufort, was read the third time, and, on motion of Mr. Hinton, of Beaufort, ordered that the said bill be laid upon the table.



The bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river above the mouth of Fishing Creek; and the bill to repeal an act, passed A. D. 1828, entitled an act to appoint commissioners on a part of the road leading from Morgan-  
ton to Avery's turnpike road, in Burke county, were read the third time and passed, and ordered to be engrossed.

The engrossed bill to allow compensation to jurors for the county of Burke, was read the third time and passed, and ordered to be enrolled.

On motion of Mr. Martin, the Senate proceeded to consider the resolution reported by the committee of Claims on the 29th ultimo, concerning Miss Udney M. Blakely; and the resolution, as follows, to wit: "*Resolved*, that it is inexpedient to continue the annual appropriation made for the education and support of Miss Udney M. Blakely," being read, it was adopted and ordered to be engrossed.

Mr. Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred the petition of Richard T. Brumley, of the county of Lincoln, praying permission to erect a gate, together with a bill to carry the prayer of the petitioner into effect, made a report thereon, recommending the passage of the said bill into a law. Whereupon the said bill was read the second time and passed.

On motion of Mr. Wellborn,

*Resolved*, That the joint select committee on Internal Improvements be requested to take into consideration the expediency of making an appropriation for opening, reviewing and laying out and altering the road leading from the town of Fayetteville, in this State, to the town of Wilkesborough, by the way of Moore Court House; and from thence to Huntersville; then by Hamptonville to the said town of Wilkesborough; with leave to report by bill or otherwise.

Mr. Hinton, of Wake, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing that another balloting be had immediately for a Senator in Congress; which proposition was agreed to, and Messrs. Matthews and Dick were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

On motion of Mr. Sneed,

*Resolved*, That the committee on the Judiciary inquire into the expediency of so amending the laws of this State, as to preclude the County Courts from receiving any justice of the peace as a security to any constable on his official bond; and that said committee report by bill or otherwise.

On motion of Mr. Allison,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so altering or amending the law as to make the act of killing, or otherwise injuring or abusing horses, cattle or hogs, by persons whose cleared land is not inclosed by a good and lawful fence during crop time, an indictable offence; and that they report by bill or otherwise.

On motion of Mr. Wellborn, the Senate proceeded to consider the resolution submitted by Mr. Askew, on the 19th ultimo, relative to stenographers; and the resolution as follows, to wit: "*Resolved*, that the Speaker of this House assign a suitable place in the Senate Hall for one or more stenographers," being read, it was agreed to.

Received from the House of Commons a message, stating that Messrs. Banner and Wilson, of Perquimons, attend the Senate as superintendents of the balloting for a Senator in Congress on the part of that House.

On motion of Mr. Martin, the Senate entered on the orders of the day,



and resolved itself into a committee of the whole House, Mr. Sneed in the Chair, to take into consideration the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Sneed reported that the committee of the Whole had had the said bill under consideration, and made some progress therein, and not having time to go through the same, had directed him to ask leave to sit again. The question was then taken, shall the committee have leave to sit again on the said bill? and it was determined in the affirmative.

And then the Senate adjourned until to-morrow, 10 o'clock.

FRIDAY, DECEMBER 4, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to repeal so much of an act, passed A. D. 1818, as prevents any person from working seines and nets in Tar river above the mouth of Fishing creek; a bill to repeal an act, passed A. D. 1828, entitled an act to appoint commissioners on a part of the road leading from Morganton to Avery's Turnpike road, in Burke county; a bill to legitimate Nathan Olive, of the county of Washington; a bill concerning the liability of certain hands in the town of Lincoln to work on roads; a bill to amend an act, passed in the year 1824, entitled an act for the better regulation of the town of Greensborough, in Guilford county; a bill to authorise the sheriff of Haywood county to collect certain taxes therein mentioned; a bill concerning the Buncombe turnpike company; also the engrossed resolution concerning Miss Udney M. Blakely; in which they ask the concurrence of that House.

Mr. Matthews, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing that another balloting be had immediately for a Senator in Congress; which proposition was agreed to, and Messrs. Smith and Mosely were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Mr. Sherard, from the committee to whom was referred the engrossed bill concerning the elections in the county of Carteret, reported the same with an amendment; which was agreed to, and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons asking their concurrence in the amendment.

Mr. Martin, from the committee on Claims, to whom was referred the petition of Hugh M'Cain, of Mecklenburg county, made a report thereon, recommending that the petition be rejected; in which report the Senate concurred.

Mr. Etheredge presented a bill concerning the summoning of jurors; which was read the first time and passed.

Mr. Burney presented a bill granting jurisdiction to the respective County Courts within this State to alter the name of individuals on application; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Bateman and Jones of Warren attend the Senate as superintendents of the balloting for a Senator in Congress.



Received also a message from the House of Commons, stating that they have passed the engrossed bill for the protection of the bridge erected across Scuppernon river at Columbia, in Tyrrell county, with an amendment, to wit: strike out "one hundred" and insert "fifty" in the fourth line of the second section; which amendment was agreed to by the Senate, and the House of Commons were informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the engrossed bill to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hertford and Duplin, with the following amendments, to wit: strike out "Hertford" where it occurs in the bill, and insert "Anson, Hyde and Columbus;" secondly, add the proviso marked C, at the end of the second section, and add to the bill the proviso marked A, and the additional section marked B; in which they ask the concurrence of the Senate, and the question being taken on the first amendment, to wit: to strike out "Hertford," it was decided in the affirmative. Whereupon, on motion of Mr. Hinton, of Beaufort, the bill, together with the amendments, was ordered to lie on the table.

The bill concerning the County Court of Martin county, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to authorise the Court of Pleas and Quarter Sessions for the county of Caswell to enlarge the court house square in said county, and for other purposes, was read the second and third times and passed, and ordered to be enrolled.

The bill to authorise Richard T. Brumly, of the county of Lincoln, to erect a gate on his own land, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorise Matthew M. Hughes, of the county of Surry, to erect a dam across Fisher's river; a bill fixing the true construction of the terms liquidated accounts, contained in the act passed in the year 1820, entitled "an act to extend jurisdiction of justices of the peace;" a bill to amend an act, passed A. D. 1824, entitled "an act to authorise the opening a road in the counties of Camden and Pasquotank, and the putting a float bridge across Pasquotank river;" a bill authorising the clerk of the Court of Pleas and Quarter Sessions of the county of Jones to make entries of lands when directed by the court of said county when there is no legal entry taker in said county; a bill to incorporate the Vance Circulating Library Society of Ashville; a bill to revive and continue in force an act, passed in the year 1827, entitled "an act to authorise Thomas Brown, of the county of Haywood, now Macon, to erect two gates on the public road leading from Franklin down Tennessee river;" and a bill concerning the compensation made to clerks and sheriffs, so far as regards the county of Chatham; in which they ask the concurrence of the Senate.—Whereupon the said bills were severally read the first time and passed.

Mr. Mosely, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Dick, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a Senator in Congress.

Received from the House of Commons a message, stating that they have



passed the engrossed bill to authorise the justices of the peace of Iredell county to purchase a tract of land, and erect thereon such buildings as may be suitable for the comfortable accommodation of the poor of the county, with an amendment: strike out the words "five miles;" in the second section, and insert the words "ten miles;" in which they ask the concurrence of the Senate; which said amendment was agreed to by the Senate, and the House of Commons informed thereof by message.

Received from the House of Commons a message, stating their concurrence in the amendments made by the Senate to the engrossed bill to provide for the payment of jurors in the counties of Rowan and Wake, except that part which extends the provisions of the bill to the county of Stokes. Whereupon, on motion of Mr. Moore, ordered that the said bill be laid upon the table.

A message was also received from the House of Commons, stating that they agree to ballot again immediately for a Senator in Congress, and informing that the name of Montfort Stokes is withdrawn, and that of Charles Fisher added to the nomination; and stating further, that Messrs. Williams and Martin attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. Smith and Mosely were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend an act, passed A. D. 1828, entitled "an act to allow compensation to jurors of the original panel, in the county of Buncombe," with an amendment: strike out the last word in the bill, "repealed," and insert the words "continued in force;" in which they ask the concurrence of the Senate. Whereupon Mr. Allen moved that the bill, together with the amendment, be laid upon the table; which was agreed to.

On motion of Mr. Montgomery of Orange, the Senate entered upon the orders of the day; and, on motion of Mr. Wilson, resolved itself into a committee of the whole House, Mr. Davidson in the chair, to take into consideration the bill to vest the right of electing Sheriffs in the several counties within this State, in the free white men thereof; and, after some time spent therein, the Speaker resumed the chair, and Mr. Davidson reported that the committee of the whole had had the said bill under consideration, and had made some progress therein, and not having had time to go through the same, had instructed him to ask leave to sit again. And the question being taken, Shall the committee have leave to sit again on said bill? it was determined in the affirmative.

On motion of Mr. Martin, ordered that the bill to establish a bank on behalf of, and for the benefit of the State, be made the order of the day for Monday next.

Mr. Mosely, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

And the Senate adjourned until to-morrow morning, 10 o'clock.



SATURDAY DECEMBER 5, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill concerning the county courts of Martin county; and a bill to authorise Richard F. Brumley, of the county of Lincoln, to erect a gate on his land; in which they ask the concurrence of that House.

Mr. Riddick presented the following resolution, to wit.

*Resolved*, That the Public Treasurer be, and he is hereby requested, to remit the forfeiture of four hundred dollars, incurred by Isaiah Rogerson, Sheriff of Perquimous county, for not making his last annual settlement in the time prescribed by law.

Which was read the first time and passed; and, on motion of Mr. Riddick, ordered that the said resolution be referred to the committee of Propositions and Grievances.

Received from the House of Commons a message, proposing that another balloting be had immediately for a Senator in Congress; which proposition was agreed to, and Messrs. Crump and Brower were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message. Whereupon a message was received, stating that Messrs. Stanly and Mendenhall attend the Senate as superintendents of the balloting on the part of the House of Commons.

Mr. Matthews, from the committee on so much of the Governor's message as relates to the salary of the late Chief Justice Taylor, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the Public Treasurer be, and he is hereby requested to pay to the assignee or legal representatives of the late Chief Justice Taylor, the sum of \$886 99; and that the same be allowed him in his public settlement.

Which was read the first time and passed.

Mr. Davidson presented the petition of Jonas Clark, of Mecklenburg county, a revolutionary soldier, praying to be placed on the pension list of the State. Ordered that the said petition be referred to the committee on Propositions and Grievances.

The following engrossed bills, to wit: The bill to authorise Matthew M. Hughes, in the county of Surry, to erect a dam across Fisher's river; the bill authorising the clerk of the Court of Pleas and Quarter Sessions of the county of Jones, to make entries of lands when directed by the court of said county, when there is no legal entry-taker in said county; and the bill concerning the compensation made to clerks and sheriffs, so far as regards the county of Chatham, were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to incorporate the Vance Circulating Library Society of Ashville, was read the second time. Mr. Allen moved to amend the bill, by inserting after the word "county," in the second line of the second section, the words "a majority of the acting justices being present;" which was agreed to; and the bill as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.



The engrossed bill to revive and continue in force an act, passed in the year 1827, entitled "an act to authorise Thomas Brown, of the county of Haywood, (now Macon,) to erect two gates on the public road leading from Franklin down Tennessee river," was read the second and third times and passed, and ordered to be enrolled.

The bill to amend the 10th section of an act, passed in the year 1819, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians," was read the third time and passed, and ordered to be engrossed.

The engrossed bill to amend an act passed A. D. 1824, entitled "an act to authorise the opening a road in the counties of Camden and Pasquotank, and the putting a float bridge across Pasquotank river," was read the second time. Mr. Bell moved to amend the bill, by inserting after the word "of," in the seventh line of the second section, the following amendment, to wit: "ten pounds, to be recovered by warrant before a justice of the peace, one half to the use of the person suing for the same, and the other half to the county wardens, and shall be further liable for all damages said bridge may sustain;" which was agreed to, and the bill as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they concur in the amendment made by the Senate in the engrossed bill more effectually to prevent obstructions to the passage of fish up Rocky river, joining Anson county to the Mecklenburg line. Whereupon the said bill was ordered to be enrolled.

The engrossed bill fixing the true construction of the terms "liquidated accounts," contained in the act, passed in the year 1820, entitled "an act to extend the jurisdiction of justices of the peace," was read the second time and passed.

Mr. Hinton of Wake presented the petition of Ransom Hinton, clerk of the Superior Court of Wake county, praying the Legislature to allow him certain costs, accrued in the prosecution of sundry suits in behalf of the State, in Wake Superior Court. Ordered that the said petition be referred to the committee of Claims.

Mr. Brower, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing that another balloting be had immediately for a Senator in Congress; and the question being taken on concurring in the said message, it was determined in the negative.

The engrossed bill amendatory of the law respecting the crime of bigamy, was taken up, and, on motion of Mr. Spaight, ordered that the further consideration thereof be postponed till Monday next.

The engrossed bill to amend an act, passed A. D. 1828, entitled an act to allow compensation to jurors of the original pannel in the county of Buncombe, was taken up, and the amendment proposed by the House of Commons therein, to wit: strike out "repealed," the last word, and insert "con-



tinued in force," was agreed to, and the House of Commons informed thereof by message.

Received from the House of Commons a message, proposing that the Exhibits of the State Bank of North Carolina and Cape Fear, accompanying the Treasurer's communication, be printed, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons were informed thereof by message.

On motion of Mr. Caldwell, the Senate resolved itself into a committee of the whole House. Mr. Davidson in the chair, to take into consideration the bill to vest the right of electing sheriffs in the several counties within this State in the free white men thereof; and, after some time spent therein, the Speaker resumed the chair, and Mr. Davidson reported that the committee of the whole had had the said bill under consideration, and had made several amendments therein, and had instructed him to report the bill as amended to the House, with a recommendation that it be passed into a law. Whereupon the several amendments, as reported, were agreed to by the House. The question was then taken on concurring in the report of the committee of the whole, and was decided in the affirmative—ayes 33 noes 27 The ayes and noes being demanded by Mr. Mitchell, are as follows:

Those who voted in the affirmative, are Messrs. Allen, Allison, Bell, Brower, Burgin, Burney, Cowper, Crump, Davidson, Dickinson, Etheridge, Harris, Hinton of B. Hoke, Johnson, Leonard, Love, M'Diarmid, M'Entire, Marshall, Martin, Montgomery of O. Moore, Pool, Ramsey, Riddick, Spaight, Sherard, Underwood, Walton, Wellborn, Welch, Williams of F.

Those who voted in the negative, are Messrs. Askew, Barnes, Beasley, Boddie, Burns, Caldwell, Davenport, Davis, Dick, Franklin, Hinton of W. M'Daniel, M'Farland, M'Neil, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of H. Mosely, Moye, Sneed, Smith, Ward, Williams of M. Wilson.

Received from the House of Commons the following resignations, to wit: the resignation of Luke Hendricks, of the county of Wilkes; the resignation of James Leith, of the county of Hyde; the resignation of Richard Wooten, of the county of Columbus; and the resignation of John Cook, of the county of Rowan, justices of the peace for their respective counties, endorsed in that House "read and accepted;" and which were severally read and accepted by the Senate.

And the Senate adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 7, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill entitled "a bill to amend the 10th section of an act, passed in the year 1819, entitled 'an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians;'" in which they ask the concurrence of that House.

On motion of Mr. Montgomery, of Orange, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a Senator in Congress

Mr. Wilson presented the petition of sundry persons, praying the passage of a law prohibiting any person from working seines or skimming with nets so as to obstruct the passage of fish up Great Contentnea creek, between the hours of 12 o'clock on Saturday, and 12 o'clock on Monday, in each week. Mr. Wilson also presented a bill to carry the prayer of the petitioners into effect; which was read the first time and passed.

Mr. Allen presented a bill concerning failure of duty in sheriffs; which was read the first time and passed.



Mr. Askew presented a bill directing the removal of certain papers from the office of the Treasurer to that of the Secretary of State; which was read the first time and passed.

Mr. Williams, of Franklin, presented the following resolution, to wit:

*Resolved*, That the Public Treasurer refund to Presley C. Person, sheriff of Franklin county, the sum of four hundred dollars, being a forfeiture incurred by him in failing to settle his accounts within the time prescribed by law.

Which was read the first time and passed. Ordered that the said resolution be referred to the committee on Propositions and Grievances.

Mr. Sneed presented a bill concerning the Oxford Academy; which was read the first time and passed.

Received from the House of Commons a message, agreeing to ballot again immediately for a Senator in Congress, and stating that Messrs. Hatch and Nicholson, of Richmond, attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. Miller and Sneed were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Mr. Hinton, of Beaufort, presented the petition of sundry citizens of Beaufort county, praying an appropriation to assist them in making a canal and road in said county. Mr. Hinton, of Beaufort, also presented a bill to carry the prayer of the petitioners into effect; which was read the first time and passed. Ordered that the said bill, together with the petition accompanying the same, be referred to the committee on Internal Improvement.

Mr. M'Farland presented a bill to appoint a committee of Finance for the county of Richmond; which was read the first time and passed.

Mr. Williams, of Franklin, presented a bill to establish a poor house in the county of Franklin; which was read the first time and passed.

Mr. Hinton, of Beaufort, presented the petition of sundry citizens of the county of Beaufort, praying an appropriation towards removing the obstructions in Pungo river. Mr. Hinton, of Beaufort, also presented a bill to carry the prayer of the said petitioners into effect; which was read the first time and passed. Ordered that the said bill, together with the petition accompanying the same, be referred to the committee on Internal Improvement.

On motion of Mr. Hinton, of Wake, ordered that a message be sent to the House of Commons, proposing to raise a joint select committee on Public Buildings.

On motion of Mr. Montgomery, of Orange, the Senate proceeded to consider the bill to vest the right of electing sheriffs in the several counties in this State in the free white men thereof; and the bill being read the second time, on motion of Mr. Caldwell, ordered that the said bill be referred to a select committee. Whereupon Messrs. Caldwell, Montgomery of Orange, Allen, Dick and Sherard were appointed to form said committee.

Mr. Sneed, from the committee appointed to conduct the balloting for a Senator in Congress, reported that no person in nomination had received a majority of votes; in which report the Senate concurred. On motion of Mr. M'Farland, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a Senator in Congress.

Mr. M'Entire presented a bill to provide for the permanent establishment of a public road from Lancolnton to Rutherfordton; which was read the first time and passed.

Received from the House of Commons a message, stating that they con-



cur in the amendment made by the Senate in the engrossed bill concerning the elections in the county of Carteret. Ordered that the said bill be enrolled.

The engrossed bill fixing the true construction of the terms liquidated accounts, contained in the act, passed in the year 1820 entitled an act to extend the jurisdiction of justices of the peace; and the engrossed bill for the better regulation of the Courts of the county of Beaufort, were read the third time and passed, and ordered to be enrolled.

The resolution directing the payment of a certain sum to the assignees and legal representatives of Chief Justice Taylor, was read the second time and passed.

The bill granting jurisdiction to the respective County Courts within this State to alter the name of individuals on application, was read the second time, and, on motion of Mr. Burney, ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorise the Governor to grant certain lands to the Baptist congregation at Franklin, in the county of Macon; a bill for the relief of debtors, for debts contracted from the first day of May, 1823; and a resolution in favor of the late Chief Justice Taylor; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed. And the resolution being read, on motion of Mr. Sneed, ordered that it be laid upon the table.

On motion of Mr. Moore, ordered that a message be sent to the House of Commons, stating that the Senate adhere to the several amendments made by them, in the engrossed bill to provide for the payment of jurors in the counties of Rowan and Wake, and for other purposes.

The bill to establish a bank on behalf of, and for the benefit of the State, was taken up; and, on motion of Mr. Martin, ordered that the said bill be made the order of the day for to-morrow.

Mr. Caldwell gave notice, that, on Friday next, he should move to take up the resolution submitted by him on the 24th of November, relative to the powers of the Congress of the United States to carry on a system of internal improvements; and that he should move an amendment thereto.

And the Senate then adjourned until to-morrow, 10 o'clock.

#### TUESDAY, DECEMBER 8, 1829.

On motion of Mr. Marshall,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the practicability of so amending the law relative to plain bonds or promissary notes, as to compel the defendant or defendants, whenever they plead the general issue, to do the same on oath; and that they report by bill or otherwise.

Mr. Wellborn presented a bill fixing the fees of the clerks of the County and Superior Courts and sheriffs' fees; which was read the first time and passed, and, on motion of Mr. Caldwell, ordered that the said bill be referred to the committee on the Judiciary.

Received from the House of Commons a message, stating that they agree to ballot this morning for a Senator in Congress, and informing that the names of John R. Donnell and Charles Fisher are withdrawn, and that of Bedford Brown added to the nomination; and stating further, that Messrs. Polk and Rhodes attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. Ramsey and Davenport were



appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Mr Caldwell, from the committee on Internal Improvement, to whom was referred a resolution instructing them to inquire into the expediency of altering the law as regards the entry of vacant lands, made a report thereon, recommending the rejection of the said resolution. Whereupon, on motion of Mr. Spaight, ordered that the said report and resolution lie on the table.

Mr. Caldwell, from the same committee, to whom was referred the resolution in relation to Samuel Chunn, of the county of Buncombe, made a report thereon, recommending the rejection of the said resolution. Whereupon, on motion of Mr. Allen, ordered that the said report, together with the resolution, be laid upon the table.

The bill granting jurisdiction to the respective County Courts within this State to alter the name of individuals on application, was read the second time. Mr. Miller moved to amend the said bill by inserting the words "by petition" after the word application in the seventh line of the first section; which was agreed to, and the bill as amended, was read the second time and passed.

Mr Ramsey, from the committee appointed to conduct the balloting for a Senator in Congress, reported that Bedford Brown having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred the petition of Jones Clark, of Mecklenburg county, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the prayer of the petitioner be rejected.

Whereupon, on motion of Mr. Davidson ordered that the said report, together with the resolution, be laid upon the table.

Received from the House of Commons a message, stating that they concur in the amendment made by the Senate to the engrossed bill to incorporate the Vance Circulating Library Society of Ashville. Ordered that the said bill be enrolled.

Mr. Allen presented a bill to provide for the passage of fish in the county of Buncombe, up the Laurel creek; which was read the first time and passed.

The bill concerning the summoning of jurors, was taken up, and, on motion of Mr. Etheredge, ordered that the said bill be referred to a select committee. Messrs. Etheredge, Pool, Marshall, Wellborn and Montgomery, of Orange, were appointed to form said committee.

Received from the House of Commons a message, stating that they concur in the amendment made by the Senate to the engrossed bill to amend an act, passed A. D. 1824, entitled an act to authorise the opening a road in the counties of Camden and Pasquotank, and the putting a float bridge across Pasquotank river. Ordered that the said bill be enrolled.

Mr. M'Diarmid presented the petition of sundry citizens of the counties of Cumberland, Wake, Chatham and Moore, praying the erection of a new county, to be called Jackson, out of a part of each of the aforesaid counties. Mr. M'Diarmid also presented a bill to carry the prayer of the said petitioners into effect; which was read the first time and passed. Ordered that the said bill, together with the petition accompanying the same, be referred to the committee on Propositions and Grievances.



Received from the House of Commons a message, proposing that the two Houses, on to-morrow, ballot for a Governor of the State for one year, and stating that the name of John Owen is in nomination for the appointment; which proposition was agreed to by the Senate, and the House of Commons informed thereof by message.

Mr. Allen, from the select committee to whom was recommitted the bill to erect out of a part of the counties of Burke and Buncombe a separate and distinct county, together with the amendment proposed thereto, made a report thereon; which was read, and, on motion of Mr. Sherard, ordered that the said report, together with the bill accompanying the same, be laid upon the table.

The following bills, to wit: A bill to prevent any person or persons from working seines or nets in Great Contentnea creek, from Hadley's mills to where the said creek empties into the Neuse river, from 12 o'clock on Saturday to 12 o'clock on Monday in every week, from the first day of January to the first day of April in each and every year; a bill to provide for the passage of fish in the county of Buncombe, up the Laurel river; a bill concerning the Oxford Academy; a bill to establish a poor house in the county of Franklin; and a bill to appoint a committee of Finance for the county of Richmond, were severally read the second and third time and passed, and ordered to be engrossed.

The resolution directing the payment of a certain sum to the assignees and legal representatives of Chief Justice Taylor, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill for the relief of debtors for debts contracted before the first day of May, 1823, was read the second time, and resolved that the same shall not pass.

The bill directing the removal of certain papers from the office of Treasurer to that of Secretary of State, was read the second time and passed.

The bill to establish a Bank on behalf of, and for the benefit of the State, was, on motion of Mr. Martin, ordered to be made the order of the day for to-morrow.

The message from the House of Commons of the 21st November, proposing to refer the several subjects therein mentioned and embraced in the Governor's message to joint select committees, was, on motion of Mr. Spaight, taken up and agreed to; and the following persons were appointed to form said joint select committees on the part of the Senate, to wit:

On so much of the Governor's message as relates to the Public Documents on the subject of Slavery, and the Constitutional power of the Congress of the United States to appropriate money in aid of the Colonization Society, Messrs Davidson, Hinton, Riddick, Harris and Crump.

On so much of said message as relates to State rights and the Tariff acts, and the Constitutional power of Congress to impose a tariff of duties, Messrs. Davidson, Spaight, Wellborn, Moseley and Welch.

On so much of said message as relates to the right of Congress to adopt a system of Internal Improvements, and to appropriate money to purposes of Internal Improvement, Messrs. Caldwell, Moseley, Franklin, Meares and Wilson.

And the Senate adjourned until to-morrow, 10 o'clock.

WEDNESDAY, DECEMBER 9, 1829.

A message was sent to the House of Commons, stating that the Senate



have passed the following engrossed bills, to wit: A bill to authorise the county court of Pleas and Quarter Sessions of the county of Franklin to appoint wardens of the poor, and to build a Poor and Work-House, and for other purposes; a bill to provide for the passage of fish in the county of Baucombe, up the Laurel creek; a bill concerning the Oxford Academy; a bill to appoint a committee of Finance for the county of Richmond; and a resolution directing the payment of a certain sum to the assignees and legal representatives of Chief Justice Taylor; in which they ask the concurrence of the House of Commons.

Bedford Brown, Esq. Speaker of the Senate, in consequence of his election as a Senator in Congress of the United States, resigned his appointment as Speaker and as a member of the Senate from the county of Caswell; which was accepted; and Mr. Brown made his acknowledgments to the Senate, and retired from the chair. Whereupon Mr. Matthews moved that the Senate do now proceed to the election of Speaker, and nominated for the appointment Charles L. Hinton, the Senator from the county of Wake. On motion of Mr. Montgomery of Hertford, the name of David F. Caldwell, the Senator from the county of Rowan, was added to the nomination; and, on motion of Mr. Spaight, the name of Stephen Miller, the Senator from the county of Duplin, was also added to the nomination. An election by ballot thereupon took place; and Messrs. Ramsey and Dick being appointed superintendents to conduct it. Mr. Dick, from the committee appointed to conduct the balloting for Speaker, reported that David F. Caldwell, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred. Whereupon Mr. Caldwell was conducted to the Speaker's Chair, by Mr. Montgomery of Hertford; from which he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Martin, ordered that a writ of election issue to the Sheriff of Caswell county, commanding him to hold an election at the several places now prescribed by law in said county, on Friday, the 18th instant, for the purpose of electing some person qualified to fill the vacancy in the Senate, occasioned by the resignation of Bedford Brown.

On motion of Mr. Wilson, ordered that a message be sent to the House of Commons, informing that House of the resignation of Bedford Brown, and the appointment of David F. Caldwell, Speaker of the Senate.

On motion of Mr. Leonard, a message was sent to the House of Commons, stating that Messrs. Williams of Franklin, and Davenport, attend that House as superintendents of the balloting on the part of the Senate for a Governor of the State for the ensuing year, as heretofore agreed upon.

Mr. Love presented the petition of Joseph Chambers, and others, of the county of Haywood, praying an alteration in an act of Assembly, passed in the year 1827, entitled "an act to amend an act, passed in the year 1824, entitled an act, giving the assent of North Carolina to certain acts of the General Assembly of Tennessee, relative to the Smoky Mountain turnpike road." Mr. Love also presented a bill to carry the prayer of the said petitioners into effect; which was read the first time and passed. Ordered, that the said bill, together with the petition accompanying the same, be referred to the committee on Internal Improvement.

Received from the House of Commons a message, proposing that the present Legislature adjourn *sine die* on the 26th instant, (December.) On motion of Mr. Martin, ordered that the said message lie upon the table.



A motion was made by Mr Dickinson to reconsider the vote taken yesterday, on the third reading of the bill to prevent any person or persons from working seines, skimming with nets, or of setting nets in Great Contentnea creek, from Hadley's mills to where the said creek empties into Neuse river, from 12 o'clock on Saturday, to 12 o'clock on Monday, in every week, from the first day of January to the first day of April, in each and every year; and on the question, Will the Senate reconsider said vote? it was determined in the affirmative. Whereupon, on motion of Mr. Dickinson, ordered that the said bill lie upon the table.

Received from the House of Commons a message, proposing that a joint select committee be appointed, consisting of the members of Lincoln, Burke and Buncombe, whose duty it shall be to inquire into the expediency of turnpiking such parts of the road leading from Lincolnton to Ashville, via Morganton, as cannot be kept up by the public; and that they report by bill or otherwise; which proposition was agreed to by the Senate, and the House of Commons were informed thereof by message.

Mr. Williams of Martin, from the committee on Propositions and Grievances, to whom was referred the petition of Martha W. Patrick, of Guilford county, made a report thereon. Mr. Williams of Martin also reported a bill to secure to Martha W. Patrick such property as she may hereafter acquire; which was read the first time and passed, and, on motion of Mr. Meares, ordered to lie upon the table.

Received from the House of Commons a message, stating that Messrs. Gary and Hill of Wilmington attend the Senate as superintendents of the balloting for a Governor of the State.

Mr. Crump presented a bill to amend the third section of an act, passed in the year A. D. 1810, relative to the passage of fish up the Peedee and Yadkin rivers; which was read the first time and passed.

Mr Williams, of Franklin, from the committee appointed to conduct the balloting for Governor of the State, reported that John Owen, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. M'Diarmid presented the petition of James Seawell, of Fayetteville, praying the Legislature to refund to him a certain sum of money, paid by him into the Treasury of the State, as security of Dillon Jordan, an auctioneer for the town of Fayetteville. Ordered that the said petition, together with the accompanying document, be referred to the committee on Claims.

On motion of Mr. Meares,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of amending the act of 1828, chap. 44, entitled "an act in addition to the acts respecting divorce and alimony."

Mr Moore presented the petition of Field Officers of the first regiment of Stokes county militia, praying the passage of a law to authorise them to move the muster ground of said regiment. Mr. Moore also presented a bill to carry the prayer of the petitioners into effect; which was read the first time and passed.

Mr. Williams, of Martin, from the committee of Propositions and Grievances, to whom was referred the resolution in favor of Presly C Person, sheriff of Franklin county, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the said Presly C. Person be released from the penalty so incurred, and that he be permitted to settle his accounts for the taxes of 1828, as of the first day



of October, 1829; and that he be allowed his commissions and mileage; and that the Public Treasurer pay whatever sum may be due him on the settlement hereby directed to be made.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to prevent frauds in deeds of trust and mortgages; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed, and, on motion of Mr. Spaight, was ordered to be referred to the committee on the Judiciary.

Received from the House of Commons a message, proposing that the two Houses appoint a joint select committee, to wait upon his Excellency John Owen, the Governor elect, and inquire of him at what time it will be convenient for him to attend the Assembly, and take the oaths of qualification prescribed by law; and stating that Messrs. Gary and Hill of Wilmington form the committee on the part of that House; which proposition was agreed to by the Senate, and Messrs. Davidson and Mosely were appointed to form said committee on the part of the Senate, and the House of Commons were informed thereof by message.

And the Senate adjourned until to-morrow, 10 o'clock.

#### THURSDAY, DECEMBER 10, 1829.

Benjamin Sanderson, the Senator from the county of Hyde, appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Davidson, from the committee appointed to wait upon the Governor, to inform him of his election, and to inquire at what time it would be convenient for him to attend the Legislature, and take the oaths prescribed by law, reported that they were authorised to state, that the Governor elect would attend the Commons' Hall, for that purpose, at 12 o'clock on this day.

Mr. Meares, from the committee on the Judiciary, to whom was referred the bill to authorise and direct the Supreme Court to be holden in the several places therein directed, reported the same without amendment; and the bill being read the second time, on motion of Mr. Meares, ordered that the said bill be committed to a committee of the whole House, and that it be the order of the day for Tuesday next.

Mr. Meares, from the same committee, to whom was referred the bill making provision in certain cases for the widows of intestates, reported the same without amendment, and recommended that the said bill be rejected. Whereupon, on motion of Mr. Hinton, of Beaufort, ordered that the said bill, together with the report, be laid upon the table.

Mr. Meares, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending the laws relative to deeds of trust and mortgages, reported that a bill having been introduced in the House of Commons on the same subject, renders it unnecessary for this committee to act upon the subject; which report was concurred in, and the committee were discharged from the further consideration of the subject.

Mr. Meares, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of modifying the punishment affixed by law to the crime of bigamy, reported that all necessity for acting upon the subject has been removed by a bill having passed the House of Commons relative to the matter, which is now before the Sen-



ate; in which report the Senate concurred, and the committee were discharged from the further consideration of the subject.

Mr. Hinton, of Wake, presented a resolution in favor of Ezekiel Ellis, Assistant Door-keeper of the Senate; which was read the first time and passed.

Mr. Love presented the petition of Andrew Welch and William Thomas, of the county of Macon, praying the passage of an act to authorise them to erect gates on their own land in said county. Mr. Love also presented a bill to carry the prayer of the said petitioners into effect; which was read the first time and passed. Ordered that the said bill, together with the petition accompanying the same, be referred to the committee on Propositions and Grievances.

Mr. Wilson presented the petition of Isabella Staton, of the county of Edgecomb, praying to be released from the payment of a fine imposed by the Superior Court of said county upon her deceased husband, Reading Staton. Ordered that the said petition be referred to the committee on the Judiciary.

Mr. Dick presented a bill to authorise the Clerk and Master in Equity to take depositions; which was read the first time and passed, and, on motion of Mr. Meares, ordered that the said bill be referred to the committee on the Judiciary.

Mr. Mitchell presented a bill to regulate the entries of lands in certain cases; which was read the first time and passed.

Mr. Allen presented a bill for the relief of James D. Justice, of the county of Buncombe; which was read the first time and passed.

Mr. Wilson presented the report of the commissioners appointed to represent the State in all general meetings of the stockholders of the several Banks in this State; which was read, and, on motion of Mr. Wilson, ordered that the said report be sent to the House of Commons, with a proposition that it be referred to the joint select committee on the Banks and circulating medium, and that it be printed, one copy for each member of the Legislature.

The hour designated by the Governor elect for his qualification having arrived, and the Senate being informed that the House of Commons is in readiness to receive them on the occasion, the two Houses of the Legislature convened in the Commons Hall, where the oaths prescribed by law to be taken by the Governor before entering on the duties of his appointment, were administered in the presence of both branches of the Legislature, to John Owen, by Charles L. Hinton, Esq. a justice of the peace for the county of Wake. Whereupon the Senate returned to their Chamber for the purpose of legislation.

Mr. Dick, from the select committee to whom was referred the bill to vest the right of electing sheriffs in the several counties within this State in the free white men thereof, reported the same with sundry amendments; which were agreed to, and the bill being read the second time, Mr. Meares moved further to amend the said bill by striking out the word *two* in the third line of the third section, and inserting the word *four*; which amendment was not agreed to. Mr. Meares moved further to amend the said bill by adding the following as an additional section, to wit: "And be it further enacted, that no sheriffs who shall be elected in manner prescribed by this act, shall again be eligible for the term of two years after the expiration of



the term for which he shall have been elected, nor shall it be competent for him to act in the capacity of deputy sheriff for the same term; which amendment was not agreed to. Mr. Montgomery, of Hertford, moved further to amend the said bill by inserting the following, after the word *annually* in the twelfth line of the fourth section, to wit: "a majority of the acting justices of the county being present at the renewal thereof;" which amendment was agreed to. Mr. Allison moved further to amend the said bill by inserting the following, after the word *election* in the sixth line of the fifth section, to wit: "and shall be possessed of a freehold of at least one hundred acres of land in fee simple;" which amendment was agreed to. Mr. M'Farland moved further to amend the said bill by striking out the words "five or more" in the fifth line of the ninth section, and inserting the words "a majority of the acting;" which amendment was not agreed to. Mr. M'Diarmid moved further to amend the bill by adding the following as an additional section, to wit: "And be it further enacted, that no person shall be eligible to the appointment of sheriff more than four years, in six successive years;" which amendment was not agreed to. Mr. Dick moved to amend the said bill by adding the following as additional sections, to wit: "Be it further enacted, that the clerks of the several county courts in this State shall record the names of the justices who may be present at the taking of the several bonds from the sheriff elect on the minute docket; and it shall be his further duty to endorse on the back of the said several bonds, the names of those justices who concurred in receiving said bonds. And be it further enacted, that if the sureties of the sheriff to the several bonds required, shall be held and deemed insufficient at the time of their execution and delivery, the justices who concurred in receiving said bonds, shall be held and deemed the proper sureties of the sheriff, and shall be sued as such;" which amendment was not agreed to. Mr. M'Diarmid moved further to amend the said bill by adding the following as additional sections, to wit: "Be it further enacted, that each and every person shall vote *viva voce*," naming the person for whom he votes, and it shall be the duty of the clerks holding the election to record the names of the persons who voted, and for whom they have voted. Be it further enacted, that on the person declared to be elected sheriff failing to give good and sufficient securities, then and in that case, all those persons whose names were recorded by the clerks as having voted for him shall be held and deemed his securities, and shall be liable in law for all deficiencies that may arise on his bond, that the securities to the bond are unable to pay;" which amendment was not agreed to. The question then recurred on the passage of the bill the second time, as amended, and it was determined in the affirmative—yeas 32, nays 26. The yeas and noes being demanded by Mr. Brower, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Bell, Brower, Burgin, Cowper, Crump, Davidson, Dickinson, Etheridge, Harris, Hoke, Johnson, Leonard, Love, McEntire, Marshall, Martin, Montgomery of O. Moore, Pool, Ramsey, Riddick, Sanderson, Sanders, Spaight, Sherard, Underwood, Walton, Wellborn, Welch, Williams of F.

Those who voted in the negative, are Messrs. Askew, Burns, Beasley, Boddie, Barnes, Davenport, Dick, Franklin, Hinton of W. Hinton of B. M'Daniel, M'Diarmid, M'Farland, M'Neill, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of H. Mosely, Moye, Sneed, Smith, Williams of M. Wilson.

On motion of Mr. Hinton of Wake, ordered that Edward Ward, the Senator from the county of Onslow, have leave of absence from, and including this day, to include Saturday next.

And the Senate adjourned until to-morrow morning, 10 o'clock.



FRIDAY, DECEMBER 11, 1829.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorise the Board of Internal Improvement to contract for the opening and improving Currituck inlet; a bill to amend an act, passed in the year 1827, prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated land; a bill to provide for a division of negroes and other chattel property held in common; also a resolution in favor of Stephen Pearson, of Wake county; in which they ask the concurrence of the Senate; which bills and resolutions were severally read the first time and passed.

Mr. Mitchell moved to suspend the eleventh rule of the Senate, which requires all bills of a public nature, when ready for a second hearing, to be noted to have been read at least one day previous, so far as regards the bill to amend an act, passed in the year 1827, prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands; which motion was agreed to; and the said bill was thereupon read the second and third times and passed, and ordered to be enrolled.

Mr. Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred a resolution concerning Isaiah Rogerson, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That Isaiah Rogerson, Sheriff of Perquimons county, be released from the penalty of four hundred dollars, and that he be permitted to settle his tax account due for the year 1828, allowing said Rogerson his commissions and mileage in the same manner, as though he had made settlement on the first of October, 1829; and if upon the settlement so made, it shall appear that the said Rogerson has paid more than by law he is bound to pay, that the Public Treasurer pay the same; and the same shall be allowed him in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution to inquire into the expediency of distributing additional copies of the acts of the General Assembly, made a report thereon, recommending the rejection of the said resolution, and asking to be discharged from the further consideration of the subject. Whereupon, on motion of Mr. Davidson, ordered that the said report, together with the resolution, be laid upon the table.

Mr. Meares, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of consolidating and amending the road laws, made a report thereon, recommending the rejection of said resolution; in which report the Senate concurred, and the committee were discharged from the further consideration of the subject.

Mr. Meares, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending the law, so as to enable the creditors to collect their debts out of the property of intestate persons, where no administration has been granted, made a report thereon, recommending the rejection of said resolution; in which report the Senate concurred, and the committee were discharged from the further consideration of the subject.



Mr. Meares, from the same committee, to whom was referred the engrossed bill to prevent frauds in deeds of trust and mortgages, reported the same without amendment, and recommended that the said bill be passed into a law; in which report the Senate concurred.

The bill to provide for the permanent establishment of a public road from Lincolnton to Rutherfordton, was read the second time. Mr. M'Entire moved to amend the said bill, by inserting the following after the word "commissions," in the eighth line of the first section, to wit: "And that the said courts shall elect persons entirely disinterested in the location of said road, and unconnected with any individual living on, or adjacent to said road before mentioned;" which amendment was agreed to, and the bill, as amended, passed the second time.

On motion of Mr. Allen, the Senate proceeded to consider the bill to erect out of a part of the counties of Burke and Buncombe a separate and distinct county; and the bill being read the second time, Mr. Allen moved to amend the same, by striking out all of the said bill after the word "district," in the thirty-first line of the first section, and inserting the following, to wit: "A district by the name and style of Yancy, in which courts shall be held for the more convenient administration of justice," and to make the title of the bill correspond thereto; which amendment was agreed to, and the bill, as amended, was read the second time and passed.

Mr. Miller, from the joint select committee, to whom was referred so much of the Governor's message as relates to the purchase of slaves by the State, for purposes of internal improvement, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the committee be discharged from the further consideration of the subject submitted to them.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. M'Diarmid, ordered that a message be sent to the House of Commons, proposing that the two Houses ballot on Tuesday next for a brigadier general of the 4th brigade; and stating that the name of Henry W. Ayer is in nomination for the appointment.

Mr. Ramsey presented a bill to repeal part of an act, passed at the last session, chap. 74, entitled "an act to compel the clerks of the County and Superior Courts, and register of the county of Chatham, to keep their offices at Pittsborough, in said county, and for other purposes;" which was read the first time and passed.

Mr. Spaight presented the resignation of Daniel Boon, brigadier general of the 12th brigade, in the 6th division of North Carolina militia; which was read and accepted, and sent to the House of Commons.

On motion of Mr. Spaight, ordered that a message be sent to the House of Commons, proposing that the two Houses ballot on Tuesday next for a brigadier general of the 12th brigade and 6th division; and stating that the name of Nathan B. Whitfield is in nomination for the appointment.

The Senate entered on the orders of the day, and, on motion of Mr. Martin, resolved itself into a committee of the whole House, Mr. Sneed in the chair, to take into consideration the bill to establish a bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Sneed reported that the committee of the whole had had the said bill under consideration, and not having time to go through the same, had instructed him to report that they had made some



progress therein, and to ask leave to sit again. And the question being taken, Shall the committee have leave to sit again on the said bill? it was determined in the affirmative.

And the Senate adjourned until to-morrow morning, 10 o'clock.

—  
SATURDAY, DECEMBER 12, 1829.

Mr. Pool presented a bill to authorise the forming a Fire Engine Company in the town of Elizabeth City; which was read the first time and passed.

Mr. M'Entire presented the petition of sundry citizens of the county of Rutherford, praying the passage of an act to alter the manner of holding the Courts of Pleas and Quarter Sessions in said county. Ordered that the said petition be referred to a select committee of three members. Messrs M'Entire, Allen and Wellborn were appointed to form said committee.

Received from the House of Commons a message, proposing that Tuesday evening next be set apart for the recommendation of justices of the peace and field officers; which proposition was agreed to, and the House of Commons were informed thereof by message.

On motion of Mr. Williams, of Martin, ordered that Gabriel Sherard, the Senator from the county of Wayne, have leave of absence from and including this day, until Monday next.

On motion of Mr. Hoke,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of imposing a tax on gold mines, or the proceeds thereof, for the purpose of revenue; and that they report by bill or otherwise.

On motion of Mr. Hinton of Wake, ordered that a message be sent to the House of Commons, proposing to ballot on Monday next for Councilors of State for the ensuing year.

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution directing them to inquire into the expediency of passing a law to authorise three justices of the peace to try free negroes and mulattoes for all offences, reported that such a provision of the law would be unconstitutional, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Sanderson presented a bill to authorise Henry S. Spencer, sheriff of Hyde county, to collect arrearages of taxes; which was read the first time and passed, and ordered to be referred to the committee on Propositions and Grievances.

Mr. Miller presented a bill to increase the tax on gates authorised to be erected across public roads; which was read the first time and passed.

Received from the House of Commons a message, proposing that the report of the Adjutant General of the State, and condition of the militia, accompanying the same, be printed, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons informed thereof by message.

Received from the House of Commons a message, proposing that sundry petitions accompanying the same, from sundry citizens of the county of Bertie in relation to the fisheries on Salmon creek, be referred to a joint select committee; and stating that Messrs. Mebane, Cooper, Chesson, Chamblee and Hayley form said committee on the part of that House; which proposition was agreed to, and Messrs. Askew, Montgomery of H. Williams of M. Walton and Dickinson were appointed to form said committee.



on the part of the Senate, and the House of Commons were informed thereof by message.

On motion of *Mr. Montgomery*, of Hertford,

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of making an appropriation for the purpose of constructing a road from Ashe court house to the bank of plaster of paris, in Virginia.

Received from the House of Commons a message, stating that they recede from their amendment made in the engrossed bill to provide for the payment of jurors in the counties of Rowan and Wake, and for other purposes. Ordered that the said bill be enrolled.

*Mr. Matthews* presented a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; which was read the first time and passed.

On motion of *Mr. Franklin*,

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of making an appropriation for the purpose of clearing out and improving the road from Rockford, in Surry county, to Jefferson, in Ashe county; and that they report by bill or otherwise.

*Mr. Bell* presented a bill to repeal a part of the second section of an act, entitled an act to revise the militia laws of this State relative to the infantry, passed A. D. 1806; which was read the first time and passed.

*Mr. Hinton*, of Beaufort, presented a bill to amend an act, passed at the last session, chap. 8, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace; which was read the first time, and, on motion of *Mr. Meares*, ordered that the bill be printed, one copy for each member of the Legislature; and, on motion of *Mr. Spaight*, ordered that the said bill be referred to the committee on the Judiciary.

*Mr. M'Farland* presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay Alexander Nicholson, of Richmond county, the sum of six dollars and fifty cents, it being the amount overpaid by him as purchase money for vacant land in said county of Richmond.

Which was read the first time and passed, and, on motion of *Mr. M'Farland*, ordered to be referred, together with the accompanying documents, to the committee on Claims.

*Mr. Etheredge*, from the select committee, to whom was referred the bill concerning the summoning of jurors, reported the same without amendment. Whereupon the said bill was read the second time and passed.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate, that the report of the commissioners appointed to represent the State in all general meetings of the stockholders of the several Banks in this State, be printed; and that it be referred to the select joint committee on so much of the Governor's message as relates to the Banks and circulating medium.

On motion of *Mr. Wellborn*,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of making the Journals of the General Assembly competent evidence in the trial of a person for acting as a magistrate after resignation, to prove the fact of resignation.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to repeal an act, passed 1823, appointing commissioners on the road from Watauga, in Ashe county, to the head of John's river, in Burke county; and a bill to incorporate Bethmont Academy, in the county of Orange; in which they ask the concurrence



of the Senate; and the said bills were thereupon read the first time and passed.

The engrossed bill respecting jurors in the county of Hyde, was taken up, on motion of Mr. Dickinson, and read the third time and passed, and ordered to be enrolled.

On motion of Mr. Davidson, the Senate proceeded to consider the report of the Judiciary committee on the resolution directing them to inquire into the expediency of distributing additional copies of the acts of Assembly; and the report having been read, Mr. Davidson moved to recommit the same to the committee on the Judiciary, with instructions to report a bill to carry the object of the resolution into effect; which was not agreed to; and the question recurring on agreeing to the report of the committee, it was decided in the affirmative.

On motion of Mr. Dickinson, the bill to prevent any person or persons from working seines or nets in Great Contentnea creek, from Hadley's mills to where the said creek empties into Neuse river, from 12 o'clock on Saturday to 12 o'clock on Monday, in every week, from the first day of January to the first day of April, in each and every year, was taken up; and the said bill being read the third time, it was resolved that the same shall not pass.

The engrossed resolution in favor of the late J. L. Taylor, was taken up on motion of Mr. Sneed, and read the second time and passed.

The following bills, to wit: The bill to amend the third section of an act, passed in the year A. D. 1810, relative to the passage of fish up Peedee and Yadkin rivers; the bill to repeal part of an act, passed at the last session, chap. 74, entitled an act to compel the clerks of the County and Superior Courts, and register of the county of Chatham, to keep their respective offices at Pittsborough, in said county, and for other purposes; the bill respecting the first regiment of militia of Stokes county; and the bill for the relief of James D. Justice, of the county of Buncombe, were severally read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Dick, the engrossed bill amendatory of the law respecting the crime of bigamy, was taken up and read the second time; and the question being taken on the passage of the bill the second time, it was determined in the negative—aye-28, noes 29. The ayes and noes being demanded by Mr. M'Farland, are as follows to wit:

Those who voted in the affirmative, are Messrs. Allen, Brower, Burgin, Burns, Davenport, Davidson, Dick, Franklin, Harris, Hinton, Johnson, Love, M'Entire, Marshall, Martin, Melchor, Miller, Mitchell, Mosely, Pool, Riddick, Sanderson, Sanders, Sneed, Smith, Wellborn, Williams of M. Wilson.

Those who voted in the negative, are Messrs. Allison, Askew, Barnes, Beasley, Bell, Boddie, Burney, Cowper, Crump, Davis, Dickinson, Etheredge, Hinton of W. Hoke, Leonard, M'Farland, M'Daniel, M'Diarmid, M'Neil, Matthews, Meares, Montgomery of H. Montgomery of O. Moore, Moye, Spaight, Underwood, Walton, Welch.

A message was sent to the House of Commons, stating that Mr. Meares is appointed on the part of the Senate, on the joint select committee on enrolled bills, in the room and stead of Mr. Caldwell, appointed Speaker.

Mr. M'Entire presented the resignations of William M. Gold and Lemuel Moore, justices of the peace for the county of Rutherford. Mr. Allison presented the resignation of Thomas M. Sharpe, major of the 2d regiment of Iredell county militia; and Mr. Welch presented the resignation of Thomas B. Love, as lieutenant colonel of the Macon county militia; which were severally read and accepted, and sent to the House of Commons.

Received from the House of Commons the resignation of Lewis Turner.



colonel commandant of the Warred county militia, endorsed in that House "read and accepted;" and which was read and accepted by the Senate.

A motion was made by Mr. Hoke, to reconsider the vote taken to day on the second reading of the engrossed bill amendatory of the law respecting the crime of bigamy; and on the question, Will the Senate reconsider the said vote? it was decided in the affirmative.

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 14, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill concerning the first regiment of militia of Stokes county; a bill to repeal part of an act, passed at the last session, chapter 74, entitled an act to compel the clerks of the County and Superior Courts, and register of the county of Chatham, to keep their respective offices at Pittsborough, in said county, and for other purposes; a bill to amend the third section of an act, passed in the year A. D. 1810, relative to the passage of fish up the Peedee and Yadkin rivers; and a bill for the relief of James D. Justice, of the county of Buncombe; in which they ask the concurrence of that House.

Mr. Pool presented a bill to authorise the setting of guns in the night-time, in the desert in the counties of Pasquotank and Perquimons; which was read the first time and passed.

Mr. Sneed, from the committee on Finance, whose duty it is made by law to examine the report of the Public Treasurer, the statement of the Comptroller, and, in general, into the state and condition of the finances of the State, and of the departments connected therewith, made a detailed report thereon, accompanied by the following resolution, to wit:

*Resolved*, That William Robards, Public Treasurer, be allowed the sum of \$19,971 85, the amount of Treasury notes which have been burnt by the committee of Finance, in pursuance of a resolution of the present Legislature; and that the Comptroller credit the Treasurer for the same in the settlement of his public accounts.

Which was read and adopted, and ordered to be engrossed.

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the acts of 1784 and 1789, so as to regulate the sale (by heirs or devisees) of deceased debtors' real estate, made a report thereon. Mr. Meares also reported a bill making void certain conveyances therein mentioned; which was read the first time and passed.

Mr. Meares, from the same committee, to whom was referred the bill to authorise the clerks and Masters in Equity to take depositions, reported the same without amendment, and recommended that it be passed into a law. Whereupon the said bill was read the second time and passed.

Mr. Meares, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending the act of 1828, chap. 44, made a report thereon. Mr. Meares also reported a bill, giving feme covert the right of suing and being sued; which was read the first time and passed.



Mr. Meares, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending the laws for the protection of stock, made a report thereon. Mr. Meares also reported a bill more effectually to prevent injury to stock; which was read the first time and passed.

Mr. Meares, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending the law, so as to make an equal distribution of the estates of deceased insolvent debtors, reported that such an alteration of the law would be mischievous and inexpedient, and asked to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Love presented the certificate of allowance of the clerk of the Superior Court of Hall county, Georgia, in favor of Jesse Halsey, a pensioner of this State; which was read and ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Wilson presented a bill to regulate banks and incorporated companies within this State; which was read the first time and passed, and, on motion of Mr. Wilson, ordered to be referred to the committee on the banks and circulating medium.

Mr. M'Entire presented a bill concerning the fees of the Standard-keeper of the county of Rutherford; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill concerning the elections in the counties of Davidson and Mecklenburg; a bill concerning the county courts of the county of Iredell; a bill to alter the times of holding the elections in the county of Columbus; a bill to incorporate the Philodemic Association, in the county of Halifax; a bill to incorporate the Lake Drummond and Orapeake Canal Company; and a bill further to amend an act, passed in the year 1818, entitled an act to authorise the Court of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain purposes; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed.

Mr. Johnson presented a bill for the relief of debtors, whose real estate may hereafter be sold by execution; which was read the first time and passed, and, on motion of Mr. M'Farland, ordered to be referred to the committee on the Judiciary.

On motion of Mr. Hinton, of Beaufort, ordered that a message be sent to the House of Commons, proposing to ballot on to-morrow for a brigadier general of the 12th brigade and 8th division, and stating that the name of Richard F. Bonner is in nomination for the appointment.

Received from the House of Commons a message of Saturday last, stating that they agree to the proposition of the Senate to ballot on Monday next for Councillors of State.



Received also from the House of Commons a message, stating that they agree to ballot on Tuesday next for Brigadier Generals of the 4th and 12th brigades of the militia of the State; and informing that the names of William Hancock and John Sellers for the 4th, and that of Edmund B. Hatch for the 12th brigades, are added to the nomination.

Received also from the House of Commons a message, proposing that the two Houses ballot immediately for Secretary of State, Public Treasurer and Comptroller, stating that William Hill is in nomination for the first, William Robards for the second, and James Grant for the third office; which proposition was agreed to, and Messrs. M'Neill and Melchor were appointed superintendents of the balloting on the part of the Senate, and the House of Commons were informed thereof by message. Whereupon a message was received stating that Messrs. Green and Webb attend the Senate as superintendents of the balloting on the part of the House of Commons.

Received also from the House of Commons a message, proposing to ballot on Wednesday next for a Public Printer of the State, and informing that Lawrence & Lemay are in nomination for the appointment; which proposition was agreed to, and the House of Commons were informed thereof by message.

Received from the House of Commons the resignation of Francis DaVal, a justice of the peace for the county of Jones, endorsed in that House "read and accepted;" and which was read and accepted by the Senate.

On motion of Mr. Davidson, the Senate entered on the orders of the day, and resolved itself into a committee of the whole house, Mr. Sneed in the chair, to take into consideration the bill to establish a bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Sneed reported that the committee of the whole had had the said bill under consideration, and made some progress therein, and not having time to go through the same, had directed him to ask leave to sit again. The question was then taken shall the committee have leave to sit again? and it was determined in the affirmative.

Mr. M'Neill, from the committee appointed to conduct the balloting for Secretary of State, Treasurer and Comptroller, reported that William Hill is duly elected Secretary of State, William Robards Treasurer, and James Grant Comptroller; in which report the Senate concurred.

On motion of Mr. Etheridge.

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of providing by law for a more durable authentication of division of estates than is now required by law; and that they report by bill or otherwise.

Mr. Venues presented the following resolution, to wit:

*Resolved*, That the Senate will meet at 3 o'clock, P. M. each day after this day, for the despatch of private bills only.

And the resolution being read, Mr. Wellborn moved to lay it upon the table; which was agreed to.

On motion of Mr. Montgomery, of Orange, ordered that the bill to vest the right of electing sheriffs in the several counties within this State in the free white men thereof, be made the order of the day for to-morrow.

The bill authorising a fire engine Company in the town of Elizabeth City, was read the second and third times and passed, and ordered to be engrossed.

The bill directing the removal of certain papers from the office of Treasurer to that of Secretary of State, was read the third time and passed, and ordered to be engrossed.

And the Senate adjourned until to-morrow morning, 10 o'clock.



TUESDAY, DECEMBER 15, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorise the forming a fire engine company in the town of Elizabeth City; and a bill directing the removal of certain papers from the office of the Treasurer to that of the Secretary of State; in which they ask the concurrence of the House of Commons.

Received from the House of Commons the certificate of allowance of the County Court of Cumberland county in favor of Isabella Campbell, a pensioner of the State, endorsed in that house "read and ordered to be countersigned by the Speaker, and sent to the Senate;" which was read and ordered to be countersigned by the Speaker of the Senate.

Mr. Boddie presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Benjamin Blount, late sheriff of Nash county, fifteen dollars and sixty cents, for insolvents for the year 1827, and that he be allowed the same in the settlement of his public accounts.

Which was read, and, on motion of Mr. Boddie, ordered that the said resolution, together with the accompanying documents, be referred to the committee on Claims.

Mr. Davidson presented the resignation of Robert Kirkpatrick, major of cavalry in the 11th brigade of the 4th division of the militia of this State; which was read and accepted, and sent to the House of Commons.

Mr. Davidson presented the certificate of allowance of the County Court of Mecklenburg, in favor of Martha Thompson, the widow of John Thompson, a revolutionary soldier; which was read and ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

On motion of Mr. Montgomery, of Orange, the Senate entered on the orders of the day, and proceeded to consider the bill to vest the right of electing sheriffs in the several counties within this State in the free white men thereof; and the bill being read the third time, the question on the passage thereof was determined in the affirmative—ayes 32, noes 28.

The ayes and noes being demanded by Mr. Wellborn, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Bell, Brower, Burgin, Burney, Crump, Davidson, Etheridge, Harris, Hoke, Johnson, Leonard, Love, M'Entire, Marshall, Martin, Montgomery of O. Moore, Pool, Ramsey, Riddick, Saunderson, Spaight, Sanders, Sherard, Underwood, Walton, Wellborn, Welch, Williams of Franklin.

Those who voted in the negative are Messrs. Askew, Barnes, Beasley, Boddie, Burns, Davenport, Davis, Dick, Franklin, Hinton of Wake, Hinton of B. M'Daniel, M'Diarmid, M'Farland, M'Neill, Matthews, Mearns, Melchor, Miller, Mitchell, Montgomery of H. Mosely, Moye, Sneed, Smith, Ward, Williams of M. Wilson.

Whereupon the said bill was ordered to be engrossed.

Mr. Martin, from the committee on Claims, to whom was referred the resolution in favor of Alexander Nicholson, made a report thereon, recommending the adoption of the said resolution. Whereupon the resolution was read the second time and passed.

On motion of Mr. Dick, the Senate proceeded to consider the engrossed bill amendatory of the law respecting the crime of Bigamy; and the bill being read the second time, Mr. Hoke moved to amend the bill by inserting the following after the word "whipping," in the twenty-eighth line of the first section, to wit: "and to be branded on the left cheek with the letter B." Mr. M'Farland moved to amend



the amendment by inserting after the word "branded," the words "so as to make a lasting impression;" which was not agreed to. The question then recurred on the adoption of the first amendment, and it was determined in the affirmative. Mr. Dick moved further to amend the bill by inserting after the word "clergy," in the twenty-third line of the first section, the words "for the first offence;" which amendment was agreed to. Mr. Meares moved further to amend the bill by striking out the word *obtain*, in the twenty-second line of the first section, and inserting the words "be entitled to;" which amendment was agreed to. Mr. Meares moved further to amend the bill by striking out the whole thereof, after the word "whipping," in the twenty-eighth line of the first section; which amendment was agreed to; and the bill, as amended, being read the second time, the question on the passage thereof was determined in the affirmative—yeas 44, nays 17. The ayes and noes being demanded by Mr. Hoke, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Askew, Bell, Brower, Burgin, Burns, Cowper, Davenport, Davidson, Dick, Etheredge, Franklin, Harris, Hinton of W. Hinton of B. Hoke, Johnson, Love, M'Daniel, M'Diarmid, M'Entire, Marshall, Martin, Meares, Melchor, Miller, Mitchell, Montgomery of O. Moore, Mosely, Pool, Ramsey, Riddick, Saunderson, Sanders, Sherard, Sneed, Smith, Walton, Wellborn, Williams of F. Williams of M. Wilson.

Those who voted in the negative, are Messrs. Barnes, Beasley, Boddie, Burney, Crump, Davis, Dickinson, Leonard, M'Farland, M'Neill, Matthews, Montgomery of H. Moyer, Spaight, Underwood, Ward, Welch.

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the necessity of altering and amending the law regarding securities for the stay of executions on judgments obtained before justices of the peace, made a report thereon, accompanied by a bill to amend the law relative to securities for the stay of executions on judgments given by justices of the peace; which was read the first time and passed, and, on motion of Mr. Cowper, ordered to lie on the table.

Received from the House of Commons a message, stating that Messrs. Cox and Moyer attend the Senate as superintendents on their part of the balloting for a Brigadier General of the 12th brigade, as heretofore agreed on; and stating further that the name of Gabriel Sherard is added to the nomination. Whereupon Messrs. Moyer and Askew were appointed a committee to superintend the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Mr. Martin, from the committee on Claims, to whom was referred the petition of Ransom Hinton, of Wake county, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Ransom Hinton, clerk of Wake Superior Court, twenty-three dollars and seventy seven cents and a half; and that he be allowed the same in the settlement of his public accounts.

On motion of Mr. M'Diarmid, a message was sent to the House of Commons, stating that Messrs. Smith and M'Diarmid attend that House as superintendents on the part of the Senate of the balloting



for Brigadier General of the 4th brigade, as heretofore agreed on. Whereupon a message was received from the House of Commons, stating that Messrs. P. Murphey and Edmonston attend the Senate as superintendents of the balloting on their part.

On motion of Mr. Montgomery, of Hertford,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of making provision by law for the estates of intestates, whenever letters of administration shall not have been taken out within 12 months from the death of such intestate.

On motion of Mr. Smith, ordered that a message be sent to the House of Commons, proposing to ballot on to-morrow for colonel commandant, lieutenant colonel and major of cavalry of the 16th brigade and third division; and stating that the name of Samuel Mitchell is in nomination for colonel commandant, that of James W. Jones for lieutenant colonel, and William Malone for major.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to amend an act, passed in 1823, entitled an act appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town; a bill to attach capt. Alexander's company of the county of Iredell to the first regiment of Iredell militia; a bill to restore to credit Wm. B. Murchie, of Lenoir county; and a bill concerning the State road in the county of Macon; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed, and the last mentioned bill, on motion of Mr. Love, was ordered to lie upon the table.

Received also from the House of Commons a message, stating that they have passed the following engrossed resolution, to wit:

*Resolved*, That the Public Treasurer is authorised to receive in payment any of the notes of the Banks of South Carolina and Georgia, which shall be considered solvent and specie paying Banks at the time such payment shall be offered, on the notes now due from the purchasers of the Cherokee lands.

In which they ask the concurrence of the Senate; and the said resolution having been read, it was resolved that the same shall not pass—yeas 23, nays 37. The yeas and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Burgin, Crump, Davidson, Franklin, Harris, Hinton of W. Hinton of B. Hoke, Love, M'Entire, Marshall, Martin, Melchor, Mitchell, Montgomery of O. Moore, Saunderson, Sanders, Sherard, Wellborn, Welch.

Those who voted in the negative, are Messrs. Askew, Barnes, Beasley, Bell, Boddie, Brower, Burns, Cowper, Davenport, Davis, Dick, Etheridge, Johnson, Leonard, M'Daniel, M'Diarmid, M'Farland, M'Neill, Matthews, Meares, Miller, Montgomery of H. Mosely, Moye, Pool, Ramsey, Riddick, Spaight, Sneed, Smith, Underwood, Walton, Ward, Williams of F. Williams of M. Wilson.

The engrossed bill to amend an act, passed in 1823, entitled an act appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town, was read the second time and passed.

Mr. Askew, from the committee appointed to conduct the balloting for brigadier general of the 12th brigade, reported that no person in



nomination has received a majority of votes; in which report the Senate concurred.

Mr. Burns presented a bill to prevent disfiguring the walls of the State House; which was read the first time and passed.

On motion of Mr. Love,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of providing for the establishment of a Superior Court of Law and Court of Equity for the county of Macon, or either by altering the times of holding some of the courts of the 6th judicial circuit, or dividing the same; and that they report by bill or otherwise.

Mr. M'Diarmid, from the committee appointed to conduct the balloting for brigadier general of the 4th brigade, reported that Henry W. Ayer received a majority of the whole number of votes, and is duly elected; in which report the Senate concurred.

The bill to provide for the permanent establishment of a public road from Lincolnton to Rutherfordton, was read the third time and ordered to be engrossed.

The engrossed bill to restore to credit William B. Murchie, of Lenoir county, was read the the second and third times and passed, and ordered to be enrolled.

Mr. M'Diarmid presented the petition of sundry citizens of the county of Cumberland, praying the passage of an act to restore to credit John Taylor, of said county. Ordered that the said petition be referred to the committee on Propositions and Grievances.

The following bills, to wit: The bill concerning the Standard-keeper of the county of Rutherford; the bill to authorise the setting of guns in the night time in the desert, in the counties of Pasquotank and Perquimons; and the bill to secure to Martha W. Patrick such property as she may hereafter acquire, were severally read the second and third times and passed, and ordered to be engrossed.

Mr. Wilson presented the resignation of Lunsford R. Cherry, as major of the 2d battalion of the 2d regiment of Edgecomb county militia; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons, the resignation of William Davidson, a justice of the peace for the county of Mecklenburg, endorsed in that house, "read and accepted;" and which was read and accepted by the Senate.

And the Senate adjourned until to-morrow morning, 10 o'clock.

#### WEDNESDAY, DECEMBER 16, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorise the setting of guns in the night time in the desert in the counties of Pasquotank and Perquimons; a bill concerning the fees of the standard keeper of the county of Rutherford; and a bill to vest the right of electing sheriffs in the several counties within this State in the free white men thereof; in which they ask the concurrence of that House.

On motion of Mr. Wellborn,

*Resolved*, That the committee of Finance be instructed to inquire into the expediency of so amending the revenue laws of this State, in a particular manner, in relation to large entries of land, say from thirty thousand to two hundred thousand acres, on which grants have issued to



citizens of other States, and where, for the space of thirty years, said land has never been given in, nor sold for the taxes agreeable to law, these dormant titles have slept ever since the year 1796. Said committee is authorised to report by bill or otherwise.

The engrossed bill to incorporate the Lake Drummond and Orapeake Canal Company, was read the second time and passed.

Received from the House of Commons a message, proposing to ballot immediately for a brigadier general of the sixth brigade and third division of the militia, and stating that George Hoover, of Randolph county, is in nomination for the appointment; which proposition was agreed to, and Messrs. Harris and Burgin were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message:

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of providing by law for the establishment of a Superior Court of Law and Equity in the county of Macon, made a report thereon, asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Sanders presented the following resolution, to wit:

*Resolved*, That the joint select committee on Internal Improvement be instructed to inquire into the expediency of instructing our Senators and Representatives in Congress to use their influence to obtain from the General Government a sum sufficient to make the river Neuse navigable from the town of Newbern to Lockhart's Falls, in Johnston county; and that they report by bill or otherwise.

And the resolution having been read, on motion of Mr. Spaight, ordered that it lie upon the table.

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of passing a law to make the Journals of the General Assembly competent evidence on the trial of defendants on indictments in certain cases, reported that such a law would conflict with the Constitution of the State, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Meares, from the same committee, to whom was referred the bill fixing the fees of the clerks of the County and Superior Courts and sheriffs' fees, reported the same without amendment, and, on motion of Mr. Meares, ordered that the said bill be committed to a committee of the whole house, and that it be made the order of the day for to morrow; and, on motion of Mr. Matthews, ordered that it be printed, one copy for each member of the Legislature.

Mr. Martin, from the committee on Claims, to whom was referred the resolution in favor of Ben. H. Blount, late sheriff of Nash county, reported the same without amendment, and recommended its adoption. Whereupon the said resolution was read the first time and passed.

Mr. Mitchell presented the following resolution, to wit:

*Resolved*, That the Public Treasurer be, and he is hereby authorised and directed to pay to James Calloway, agent of David Graybeal, the sum of fifteen dollars, on account of that sum having been paid a second time and by mistake for the entries of land, and the Treasurer be allowed the same in the settlement of his public accounts.

And the resolution having been read, on motion of Mr. Mitchell, ordered that it be referred to the committee on Claims.

Mr. Brower presented the petition of sundry citizens of Randolph county, praying the passage of a law to prevent obstructions to the run of Big and Little Polecat creeks in said county. Mr. Brower also presented a bill to



carry the prayer of the said petitioners into effect; which was read the first time and passed.

Mr. Mosely presented a bill to authorise Nathan G. Blount to erect a spiral wheel on Neuse river; which was read the first time and passed.

On motion of Mr. M'Entire, ordered that a message be sent to the House of Commons, proposing to ballot on to-day for major of cavalry in the 10th brigade, and stating that Thomas Dews is in nomination for the appointment.

Mr. Saunderson presented a bill to compensate the board of wardens for the county of Hyde for their services in the management of the poor in said county; which was read the first time and passed.

A motion was made by Mr. Wellborn to reconsider the vote taken on the adoption of the resolution instructing the committee on Finance to inquire into the expediency of amending the revenue laws in certain cases; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative. Whereupon Mr. Wellborn moved to amend the said resolution by striking out the words "the committee of Finance," and inserting the words "a select committee on the part of this House;" which amendment was agreed to. Ordered that Messrs. Wellborn, Love, Welch, M'Entire and Meares form the said committee.

Received from the House of Commons a message, stating that Messrs. Smith of Chatham and Wiseman attend the Senate as superintendents of the balloting on the part of that House for brigadier general of the 6th brigade.

Mr. Miller presented the petition of James Moore, of Duplin county, a revolutionary soldier, praying the Legislature to make him compensation for the loss of his land warrant. Ordered that the said petition, with the accompanying documents, be referred to the committee on Propositions and Grievances.

Mr. Martin presented the following resolution, to wit:

*Resolved*, That no public or private bill shall be introduced to this Legislature from and after Monday, 21st instant, except such as may be reported by the committees already organized.

And the resolution having been read, on motion of Mr. Spaight, ordered that it be postponed indefinitely.

On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for brigadier general of the 12th brigade of the 6th division.

Mr. Burgin, from the committee appointed to conduct the balloting for brigadier general of the 6th brigade, reported that George Hoover having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they agree to ballot on this day for brigadier general of the 13th brigade, and informing that the name of Peter O. Picot is added to the nomination; and stating further, that Messrs. Williams and Little attend the Senate as superintendents of the balloting on their part. Whereupon Messrs. Moore and Marshall were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.



The message from the House of Commons of the 8th instant, proposing that the present Legislature adjourn sine die on the 26th December, (instant,) was taken up on motion of Mr. Martin; and having been read, on motion of Mr. Wellborn, ordered that it be laid upon the table.

The engrossed resolution in favor of Stephen Pearson, of Wake county, was read the second time and passed.

Received from the House of Commons a message, proposing that a joint select committee be raised, and instructed to examine the existing laws regulating the Treasury Department, and report whether any, and, if any, what change or modification be necessary, and whether the compensation allowed to the Public Treasurer and the provision for clerk hire be sufficient; and that they report by bill or otherwise; which proposition was agreed to. Ordered that Messrs. Sneed, Brower, Dick, Melchor and Spaight form the committee on the part of the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons the resignation of Reading Anderson, colonel commandant of the first Anson regiment of North Carolina militia; and the resignation of Wyatt Moye, lieutenant colonel of the 27th regiment of North Carolina militia for the county of Greene, endorsed in that House "read and accepted;" and which were read and accepted by the Senate.

On motion of Mr. Wellborn, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Sneed in the Chair, to take into consideration the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Sneed reported that the committee of the whole had had the said bill under consideration, and had made some progress therein, and not having time to go through the same, had instructed him to ask leave to sit again; and the question being taken, shall the committee have leave to sit again on the said bill? it was determined in the affirmative.

And the Senate adjourned until to-morrow morning, 10 o'clock.

---

THURSDAY, DECEMBER 17, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to secure to Martha W. Patrick such property as she may hereafter acquire; and a bill for the permanent establishment of a public road from Lincolnton to Rutherfordton; in which they ask the concurrence of that House.

Mr. Mitchell, from the committee on Internal Improvement, to whom was referred the resolution instructing them to inquire into the expediency of making an appropriation for the improvement of the road from Rockford, in Surry county, to Jefferson, in Ashe county, made a report thereon, recommending the rejection of said resolution; in which report the Senate concurred, and the committee were discharged from the further consideration of the subject.

Mr. Mitchell, from the same committee, to whom was referred the petition of sundry inhabitants in Buncombe county, praying an appropriation to



open a road in said county, made a report thereon, recommending the rejection of the prayer of the said petitioners; in which report the Senate concurred. On motion of Mr. Allen, ordered that the petitioners have leave to withdraw their papers.

Mr. Mitchell, from the same committee, to whom was referred the bill providing for the repair of certain roads therein mentioned, reported the same without amendment, and recommended that the said bill be rejected; in which report the Senate concurred.

Mr. Mitchell, from the same committee, to whom was referred the bill to amend an act, passed in the year 1827, chapter 25, entitled an act to amend an act, passed in the year 1824, entitled an act giving the assent of North Carolina to certain acts of the General Assembly of Tennessee relative to the Smoky Mountain turnpike road, reported the same without amendment, and recommended that the said bill be rejected; in which report the Senate concurred.

Mr. Moore, from the committee appointed to conduct the balloting for brigadier general of the 13th brigade and 8th division, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Hinton, of Beaufort, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for brigadier general of the 13th brigade and 8th division.

A motion was made by Mr. Love to reconsider the vote taken on yesterday relative to the reference of the resolution presented by Mr. Wellborn; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative; and, on motion of Mr. Love, ordered that a message be sent to the House of Commons, proposing to refer the said resolution to a select joint committee of both Houses, instead of a select committee of this House.

Mr. Hinton, of Wake, presented a communication from James Grant, Comptroller of the Treasury, relative to the settlement of the sheriff of the county of Macon for the present year. Ordered that the said communication be referred to a select committee. Messrs. Hinton of Wake, Hinton of Beaufort, Davenport, Burns and Etheridge were appointed to form said committee.

Mr. Pool presented a bill to amend an act, passed A. D. 1817, entitled an act to prevent persons from obstructing the passage of fish up Newbegun creek, in the county of Pasquotank; which was read the first time and passed.

Received from the House of Commons a message, agreeing to ballot for a brigadier general of the 12th brigade, and stating that Messrs. Cox and Rhodes attend the Senate as superintendents of the balloting on their part. Whereupon Messrs. Crump and Bell were appointed to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

The bill to amend the law relative to the securities for the stay of executions on judgments given by justices of the peace, was read the second time. Mr. Cowper moved to amend the bill by inserting the following as an additional section at the end of the first section, to wit: "And be it further enacted, that it shall be the duty of the constable or other officer, in whose hands the execution may be, to make the money out of the principal to the



bill, bond, note, or contract; and on his or her failure, the security for the stay of execution shall next be liable to pay the money so due; and the original security or securities to the bill, bond, note, or contract shall not be liable only on failure of the principal and the security for the stay of execution;" which amendment was agreed to, and the bill, as amended, was read the second time and passed.

Mr. Sneed, from the committee on finance, to whom was referred the resolution instructing them to inquire into the expediency of imposing a tax on gold mines, or the proceeds thereof, for the purpose of revenue, made a report thereon, recommending the rejection of the said resolution, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the counties of Cumberland, Moore, Wake and Chatham, praying the erection of a new county out of part of those counties, together with a bill to carry the prayer of the said petitioners into effect, made a report thereon, and the resolution therein contained as follows, to wit: "Resolved, that the prayer of the petitioners be not allowed, and the accompanying bill be rejected," was concurred in by the Senate.

Mr. Williams, of Martin, from the same committee, to whom was referred the bill to authorise Andrew Welch and William Thomas to erect gates, reported the same without amendment, and recommended that it be passed into a law. Whereupon the said bill was read the second time and passed.

The engrossed bill concerning the elections in the counties of Davidson and Mecklenburg, was read the second time. Mr. Davidson moved to amend the bill by adding the following proviso at the end of the third section, to wit: "Provided, that the polls of the court house in the county of Mecklenburg shall be kept open until sun down;" which amendment was agreed to; and the bill, as amended, was read the second time and passed.

On motion of Mr. Sneed,

*Resolved*, That the committee of Finance be instructed to inquire into the nature and extent of the duties imposed upon the Comptroller since the session of 1827, and ascertain whether the proper discharge of those duties requires the aid of a clerk or not; and that said committee report by bill or otherwise.

On motion of Mr. M'Farland, ordered that the committee on Education be discharged from the further consideration of the bill for the education of the poor children of the State of North Carolina; and the said bill was ordered to be referred to a select committee, consisting of Messrs. M'Farland, Franklin, Ramsey, Boddie and Ward.

Mr. Wellborn presented a bill to restore Joshua Pennell, of Wilkes county, to credit; which was read the first time and passed, and, on motion of Mr. Montgomery of Orange, ordered that the said bill be referred to the committee on Propositions and Grievances.

Mr. Bell, from the committee appointed to conduct the balloting for brigadier general of the 12th brigade and 6th division, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. M'Entire, from the committee appointed to conduct the balloting for major of cavalry of the 10th brigade, reported that Thomas Dews, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.



Received from the House of Commons a message, stating that they agree to ballot for cavalry officers in the 16th brigade and third division, as proposed by the Senate.

Mr. Hinton, of Beaufort, presented a bill declaring certain offices incompatible with the office of justice of the peace; which was read the first time and passed.

The engrossed bill to incorporate Bethmont Academy, in the county of Orange, was read the second and third times and passed, and ordered to be enrolled.

The bill making void certain conveyances therein mentioned; and the engrossed bill to authorise the board for Internal Improvement to contract for the re-opening and improving Currituck Inlet, were read the second time and passed.

The engrossed resolution in favor of the late J. L. Taylor, was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing that the report of James Mebane, superintendent of the public works on the Cape Fear river for the present year, and accompanied by a message from the Governor, be printed, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons were informed thereof by message.

On motion of Mr. M'Farland, ordered that a message be sent to the House of Commons, stating that the Senate do not concur in the amendment made by the House of Commons to the engrossed bill to appoint a committee of Finance for the county of Richmond.

On motion of Mr. Bell, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for brigadier general of the 12th brigade.

The resolution submitted by Mr. Meares, on the 14th instant, relative to evening sessions of the Senate, was taken up, read and adopted.

Mr. Moore presented the resignation of Abraham Vanhoy, lieutenant colonel of the second regiment of Stokes county militia; and Mr. Williams, of Martin, presented the resignation of James Burney, lieutenant colonel of the militia of Columbus county; which were read and accepted, and sent to the House of Commons.

On motion of Mr. Montgomery of Orange, the Senate entered on the orders of the day, and resolved itself into a committee of the Whole House, Mr. Sneed in the chair, to take into consideration the bill to establish a bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Sneed reported that the committee of the Whole had had the said bill under consideration, and not having time to go through the same, had instructed him to ask leave to sit again; and on the question, shall the committee have leave to sit again? it was determined in the affirmative.

And the Senate adjourned until this afternoon, 3 o'clock.

THURSDAY EVENING, 3 o'clock, DECEMBER 17, 1829.

Received from the House of Commons a message, stating that they have



passed the following engrossed bills, to wit: A bill to authorise John V. Sumner, late sheriff of Gates county, to collect the arrears of taxes due him in said county for the year 1827; a bill to alter the times of holding elections in the 6th Congressional district; a bill to extend the provisions of an act, passed A. D. 1826, entitled an act to appoint commissioners to build a new court-house in the county of Surry, and for other purposes; a bill appointing commissioners to run out and mark the dividing line between the counties of Anson and Mecklenburg; and a bill to repeal an act, passed at the session of 1828, entitled an act to authorise the courts of the counties of Ashe and Wilkes to keep in repair a road by Jefferson, by the imposition of tolls on said road; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed.

Mr. Allen presented a bill to remove the elections for members of the General Assembly and representatives to Congress, from the Warm Springs, in the county of Buncombe, to the house of col. Alfred Hunter, on the French Broad river; which was read the first time, and resolved that the same shall not pass.

The bill to prevent the falling of timber in, or obstructing the run of Big and Little Polecat creeks, in Randolph county; and the bill to compensate the board of Wardens for the county of Hyde, for their services in the management of the poor in said county, were read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: The bill further to amend an act, passed in the year 1818, entitled an act to authorise the courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain purposes; the bill to incorporate the Philodemic Association, in the county of Halifax; and the bill to attach captain Alexander's company, of the county of Iredell, to the first regiment of Iredell militia, were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to alter the times of holding the elections in the county of Columbus, was read the second time, and, on motion of Mr. Ward, ordered that the said bill be referred to the members of the Senate from the counties composing the 5th Congressional district.

The engrossed bill concerning the county courts of the county of Iredell, was read the second time, and resolved that the same shall not pass.

The bill to amend an act, passed A. D. 1817, entitled an act to prevent persons from obstructing the passage of fish up Newbegun creek, in the county of Pasquotank, was read the second time and passed.

Received from the House of Commons the certificate of allowance of the county court of Mecklenburg in favor of Martha Thompson, endorsed in that House "read and ordered to be countersigned by the Speaker of the House of Commons."

And the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 18, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to prevent the falling of timber in, or obstructing the runs of Big and Little Polecat creeks,



in Randolph county; and a bill to compensate the board of Wardens for the county of Hyde, for their services in the management of the poor in said county; in which they ask the concurrence of that House.

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of providing by law for a more durable authentication of divisions of real estates, made a report thereon, recommending the rejection of the said resolution, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Meares, from the same committee, to whom was referred the bill for the relief of debtors, whose real estate may hereafter be sold by execution, reported the same without amendment, and recommended that it be rejected; in which report the Senate concurred; and the said bill being read the second time, it was resolved that the same shall not pass.

Received from the House of Commons a message, stating that Messrs. Chesson and Smallwood attend the Senate as superintendents of the balloting on the part of that House for brigadier general of the 13th brigade. Whereupon Messrs. Underwood and Welch were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

The bill to authorise Nathan G. Blount to erect a spiral wheel in Neuse river, was read the second time. Mr. Sanders moved to amend the bill by inserting the following after the word "river" in the eighth line of the first section, to wit: "to be located at the junction of the high and low lands next below where said Blount resides;" which amendment was agreed to. Mr. Sanders moved further to amend the said bill, by inserting the following as a proviso at the end of the bill, to wit: "Provided always, and be it further enacted, that after the expiration of ten years, it shall be lawful for the General Assembly to repeal this act, and vacate the grant hereby made, if, in their judgment, the same should be productive of any public inconvenience;" which amendment was agreed to, and the bill, as amended, was read the second time and passed.

Mr. Williams, of M from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Jones county, praying that a certain section of said county be attached to the county of Lenoir, together with a bill to annex a part of the county of Jones to the county of Lenoir, made a report thereon, and the resolution therein contained, as follows, to wit:

*Resolved*, That the prayer of the petitioners be not allowed, and the accompanying bill be rejected,

Was concurred in by the Senate.

Mr. Williams, of Martin, from the same committee, to whom was referred the bill to authorise Henry S. Spencer, sheriff of Hyde county, to collect arrearages of taxes, reported the same without amendment, and recommended that the same be passed into a law. Whereupon the said bill was read the second time and passed.

Received from the House of Commons a message, proposing to ballot again immediately for brigadier general of the 12th brigade; which proposition was agreed to, and Messrs. Montgomery, of Hertford, and Ramsey, were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message. Where-



upon a message was received, stating that Messrs. Moye and Chamblee attend the Senate as superintendents of the balloting on the part of the House of Commons.

Mr. M'Entire, from the select committee to whom was referred the petition of sundry citizens of the county of Rutherford, praying a new organization of the Court of Pleas and Quarter Sessions of said county, made a report thereon, accompanied by a bill to provide for the better organization of the county courts of Rutherford; which was read the first time and passed.

On motion of Mr. Davidson, the report of the committee on Propositions and Grievances on the petition of Jonas Clark of Mecklenburg county, and the resolution therein reported, being read, Mr. Davidson moved to amend the resolution by striking out the whole thereof except the word "Resolved," and inserting the following: "that the Public Treasurer be, and he is hereby instructed to pay annually to Jonas Clark, of Mecklenburg county, a soldier in the militia of the revolution, the sum of fifty dollars, as a pensioner of the State, for which the Treasurer shall be allowed in the settlement of his public accounts;" which amendment was not agreed to. The question then recurred on the adoption of the said resolution reported by the committee, and it was decided in the affirmative.

Mr. Davis presented the certificate of allowance of the County Court of Warren county in favor of Elizabeth Harris, a pensioner of the State; which was read and ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

On motion of Mr. Meares, ordered that John M. Dick, the Senator from the county of Guilford, have leave of absence from and after this day, till Monday next.

Mr. Hinton, of Beaufort, presented a bill for the better regulation of the town of Washington; which was read the first time and passed.

Mr. Underwood, from the committee appointed to conduct the balloting for brigadier general of the 13th brigade, reported that Peter O. Picot having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

A message was sent to the House of Commons, stating that Messrs. Williams of Martin, Matthews and Mitchell are appointed to form the joint select committee on Public Buildings on the part of the Senate.

On motion of Mr. Martin, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Sneed in the Chair, to take into consideration the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Sneed reported that the committee of the whole had had the said bill under consideration, and made some progress therein, and not having sufficient time to go through the same, had instructed him to ask leave to sit again; and on the question, shall the committee have leave to sit again on the said bill? it was determined in the affirmative.

Mr. Montgomery, of Hertford, from the committee appointed to conduct the balloting for brigadier general of the 12th brigade, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Williams, of Franklin, ordered that Otway Burns, the Senator from the county of Carteret, have leave of absence from and after to-morrow, for the remainder of the session.

And the Senate adjourned until to-morrow morning, 10 o'clock.



SATURDAY, DECEMBER 19, 1829.

Received from the House of Commons a message, agreeing to ballot again immediately for a brigadier general of the 12th brigade, and stating that Messrs. Cox and Hayley attend the Senate as superintendents of the balloting on their part; and stating further, that the name of colonel Hatch is withdrawn. Whereupon Messrs. Etheridge and Hoke were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Mr. Pool presented a bill for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Stedman and Hough attend the Senate as superintendents of the balloting for a Public Printer for the ensuing year, heretofore agreed on. Whereupon Messrs. Burney and Leonard were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

A message was also received from the House of Commons, agreeing to ballot for Councillors of State for the ensuing year, and stating that Messrs. Gary and N. G. Smith attend the Senate as superintendents of the balloting on the part of that House, and informing that the names of James Rainey, Daniel M. Forney, John M<sup>r</sup>Alister, Gideon Alston, Nathan B. Whitfield, George W. Jeffreys, Alexander Gray, Thomas Kenan, Archibald M<sup>r</sup>Bryde and Alfred Jones are in nomination for the appointment. Whereupon a message was sent to the House of Commons, stating that the name of Joseph B. Outlaw is added to the nomination, and that Messrs. Matthews and Beasley attend that House as superintendents of the balloting on the part of the Senate.

Mr. Leonard, from the committee appointed to conduct the balloting for a Public Printer, reported that Lawrence & Lemay, having received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

Mr. Hoke, from the committee appointed to conduct the balloting for brigadier general of the 12th brigade, reported that Nathan B. Whitfield, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Sneed, from the committee of Finance, to whom was referred the resolution authorising the Treasurer to obtain loans from the State Bank on the deposit of Treasury notes, in case of a deficiency in the revenue for the next fiscal year, reported that it is inexpedient to make the provision suggested in said resolution, and ask to be discharged from its further consideration; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Sherard presented a bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Wayne; which was read the first time and passed.

Mr. Dickinson presented a bill to authorise James S. Clarke, late sheriff of Pitt, to collect certain arrearages of taxes; which was read the first time and passed.

Mr. Martin, from the committee on Claims, to whom was referred the petition of James Seawell, of the county of Cumberland, made a report



thereon, recommending that the prayer of the petitioner be rejected, and that he have leave to withdraw his petition and the accompanying documents; in which report the Senate concurred.

On motion of Mr. Smith, ordered that a message be sent to the House of Commons, stating that Messrs. Sherard and Smith attend that House as superintendents of the balloting for cavalry officers of the 16th brigade on the part of the Senate. Whereupon a message was received from the House of Commons, stating that Messrs. Webb and Taylor attend the Senate as superintendents of the balloting on the part of that House.

Mr. Williams, of F. presented a bill to authorise Presley C. Person, late sheriff of Franklin county, to collect certain arrearages of taxes; which was read the first time and passed.

On motion of Mr. Spaight, ordered that a message be sent to the House of Commons, proposing to ballot immediately for a brigadier general of the second brigade of the first division, and stating that colonel John J. Pasteur is in nomination for the appointment.

The engrossed bill to incorporate the Lake Drummond and Orapeake Canal Company, was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill concerning commissioners, &c. of public works; and a bill concerning the places where company musters shall be held; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

Mr. Williams, of Franklin, presented a bill concerning the appointment of commissioners for the county of Franklin and town of Louisburg; which was read the first time and passed.

The bill to authorise Nathan G. Blount to erect a spiral wheel on Neuse river, was read the third time and passed, and ordered to be engrossed.

Mr. Sherard, from the committee appointed to conduct the balloting for cavalry officers of the 16th brigade, reported that Samuel Mitchell is duly elected colonel commandant, James W. Jones, lieutenant colonel, and William Malone, major of said brigade; in which report the Senate concurred.

The engrossed resolution in favor of Stephen Pearson, of Wake, was read the third time and passed, and ordered to be enrolled.

Mr. Beasley, from the committee appointed to conduct the balloting for Councillors of State, reported that George W. Jeffreys, Gideon Alston, Thomas Kenan, Alexander Gray, Archibald M'Bryde and Daniel M. Forney are duly elected, and that no other person in nomination had received a majority of votes; in which report the Senate concurred.

The bill concerning the summoning of jurors, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to authorise the Board for Internal Improvements to contract for the re-opening and improving Currituck inlet, was read the third time and passed, and ordered to be enrolled.

Mr. Hinton, of Wake, presented the following resolution, to wit:  
*Resolved*, That the Treasurer be directed to pay to Merritt Hutchins thirteen dollars, for carrying a writ of election to the sheriff of Caswell county during the present session, a distance of sixty-five miles, and he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.



The bill granting jurisdiction to the respective County Courts within this State to alter the name of individuals on application, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to provide for a division of negroes and other chattel property held in common; and the resolution in favor of Ransom Hinton, were read the second time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of John Lowrie; in which they ask the concurrence of the Senate. Whereupon the said resolution was read and adopted, and ordered to be enrolled.

The bill making void certain conveyances therein mentioned, was read the third time and passed, and ordered to be engrossed.

Mr. M'Daniel presented the resignation of Simons Harrison, a justice of the peace for the county of Jones; which was read and accepted and sent to the House of Commons.

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 21, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill making void certain conveyances therein mentioned; a bill granting jurisdiction to the respective County Courts within this State to alter the name of individuals on application; and a bill concerning the summoning of jurors; in which they ask the concurrence of the House of Commons.

Mr. Dickinson presented a bill to regulate the fisheries of Tar and Pamlico rivers; which was read the first time and passed.

Mr. Montgomery, of Hertford, from the committee to whom was referred so much of the Governor's message as relates to the opening of a communication from Albemarle sound to the ocean, made a report thereon, accompanied by a memorial, addressed to the Congress of the United States, and the following resolution, to wit:

*Resolved*, That our Senators and Representatives in Congress, be, and they are hereby requested to use their best endeavours to procure such appropriations as may be necessary to open an inlet from Albemarle sound to the ocean, at or near Naggs Head.

And the memorial and resolution having been read, on motion of Mr. Montgomery, of Hertford, ordered that they be laid upon the table, and be printed, one copy for each member of the Legislature.

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the laws so as to preclude justices of the peace becoming security for constables, reported that such an amendment of the law would be unnecessary and inexpedient, and ask to be discharged from the further consideration of the subject. Mr. Sneed moved to lay the report and resolution upon the table; which was not agreed to. The question then recurred on concurring with the report of the committee, and it was determined in the affirmative, and the committee were discharged accordingly.



Mr. Meares, from the same committee, to whom was referred the resolution instructing them to inquire into the practicability of compelling defendants in suits on bonds and promissory notes, to verify the plea of the general issue by affidavit, reported that such a provision of the law is unnecessary and inexpedient, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Smith presented a bill to amend an act, passed last session, entitled an act to establish separate elections in the county of Person; which was read the first time and passed.

Received from the House of Commons a message, agreeing to ballot immediately for a brigadier general of the 2d brigade, and stating that the name of Nathan Fuller is added to the nomination; and informing that Messrs. Hellen and Patrick attend the Senate as superintendents of the balloting on their part. Whereupon Messrs. Walton and Johnson were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

The engrossed bill amendatory of the law respecting the crime of bigamy, was taken up and read the third time. Mr. Hinton, of Wake, moved to amend the bill by adding the following after the letter B, at the end of the bill, to wit: "or to inflict one or more of these punishments, at the discretion of the court." Mr. Montgomery, of Orange, moved to amend the amendment by adding the following at the end thereof, to wit: "the branding of females always excepted, which shall not be inflicted on them in any case whatever;" which amendment was agreed to. The question then recurring on agreeing with the original amendment as amended, it was determined in the negative. Mr. Dick moved to amend the bill by adding the following as a proviso at the end of the bill, to wit: "Provided nevertheless, if any female shall be convicted of the crime of bigamy, it shall be discretionary with the court to inflict all or any of the aforesaid punishments, branding excepted;" which amendment was agreed to; and the bill, as amended, was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Walton, from the committee appointed to conduct the balloting for a brigadier general of the 2d brigade, reported that John J. Pasteur, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

James Rainey, the Senator from the county of Caswell, elected in the room and stead of Bedford Brown, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. Martin, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Sneed in the Chair, to take into consideration the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some



time spent therein, Mr. Speaker resumed the Chair, and Mr. Sneed reported that the committee of the whole had had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same with the amendments to the House.—Whereupon, on motion of Mr. Spaight, ordered that the said bill, together with the amendments, be laid upon the table.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 22, 1829.

On motion of Mr. Cowper, ordered that a message be sent to the House of Commons, proposing to ballot immediately for a Councillor of State yet to be elected.

Mr. Moore, from the select committee to whom was referred much of the Governor's message as relates to a Map of the State, made a report thereon, stating that it is inexpedient to engage in that undertaking, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Davidson presented a bill concerning the Catawba Navigation Company; which was read the first time and passed. Ordered that the said bill be referred to the committee on Internal Improvement.

On motion of Mr. Burgin.

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of appropriating the sum of fifteen hundred dollars for the purpose of improving the road leading from James M'Dowell's, at the Pleasant Gardens, in Burke county, through the Turkey Cove, to Noah Burchfield's, on the top of the Blue Ridge.

Mr. Mitchell, from the committee on Internal Improvement, to whom was referred the resolution to inquire into the expediency of appropriating a sum of money for the improvement of the road from Wilksborough, by the way of Trap Hill, to the road leading to the lead mines in Virginia, reported that it is inexpedient to make any appropriation to that object, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Mitchell, from the same committee, to whom was referred the bill to give assistance towards removing the obstructions in Pungo river, reported the same without amendment, and recommended that the said bill be rejected. Whereupon, on motion of Mr. Hinton, of Beaufort, ordered that the said bill, together with the report, be laid upon the table.

Mr. Mitchell, from the same committee, to whom was referred the bill to give assistance towards making a canal and road in Beaufort county, reported the same without amendment, and recommended that it be rejected. Whereupon the said bill was read the second time, and resolved that the same shall not pass.

Received from the House of Commons a message, accompanied by the following resolution, in which they ask the concurrence of the Senate, to wit:

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select



committee, to inquire into the responsibility of the several securities to the bonds given by the late John Haywood, former Treasurer of this State; who they are, and how far liable they are for the defalcations of the aforesaid John Haywood; and report to this House by bill or otherwise.

Which proposition was agreed to, and Messrs. Meares, Dick, Moseley, Marshall and Ward, were appointed the committee on the part of the Senate, and the House of Commons were informed thereof by message.

A message was also received from the House of Commons, proposing that a select joint committee be raised, consisting of three members of the House of Commons and two of the Senate, to inquire into the progress of business before the two Houses, and ascertain how far it may be practicable to close the session within the present month, and that they report by bill or otherwise; which proposition was agreed to, and Messrs. Spaight and Hinton, of Wake, were appointed to form the committee on the part of the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating that they have passed the engrossed bill amendatory of the laws relative to pilotage at Occacock Inlet; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time, and resolved that the same shall not pass.

A message was also received from the House of Commons, agreeing to ballot again immediately for a Councillor of State, and stating that the names of James Rainey and John M'Alister are withdrawn; and informing further, that Messrs. Pearson and Barringer attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. Askew and Cowper were appointed to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

The engrossed bill to provide for the compensation of the jurors of the county of Beaufort, Onslow, Hertford and Duplin, was taken up, on motion of Mr. Hinton, of Beaufort, and the amendments made thereto by the House of Commons, not heretofore agreed to, were concurred in by the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating that they have passed the engrossed bill empowering the county court of Onslow to authorise Solomon E. Grant to erect a gate across the main road at Onslow Court House; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first, second and third times and passed, and ordered to be enrolled.

Mr. Askew, from the committee appointed to conduct the balloting for a Councillor of State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, accompanied by a communication from the Public Treasurer, transmitting certain exhibits from the State Bank of North Carolina, at Raleigh, and of the



agency of the Bank of Newbern, at Raleigh, with a proposition that they be referred to the select joint committee on the banks, and that they be printed, one copy for each member of the Legislature; which proposition was agreed to.

Mr. Mosely presented a bill to authorise Joseph Loftin, late sheriff of Lenoir county, to collect arrearages of taxes; which was read the first time and passed.

On motion of Mr. Johnson,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for the compensation of witnesses, who may be summoned to give evidence before justices of the peace out of court; and that they report by bill or otherwise.

Mr. M'Diarmid presented a bill authorising Alexander Murchison, William Murchison and Duncan Murchison, to erect a bridge across Lower Little river, in Cumberland county; which was read the first time and passed.

On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a Councillor of State, yet to be elected, and stating that the name of Nathan B. Whitfield is withdrawn from the nomination.

On motion of Mr. Ward, ordered that the adjutant general's report be referred to the committee on the Militia and Public Arms.

A motion was made by Mr. Sneed to reconsider the vote taken on today relative to the proposition of the House of Commons to refer the communication from the Public Treasurer, transmitting certain exhibits of the State Bank and Bank of Newbern, to the joint select committee on the banks; and on the question will the Senate reconsider the said vote? it was determined in the affirmative. Whereupon, on motion of Mr. Sneed, ordered that the message from the House of Commons, together with the Treasurer's communication and accompanying papers, be laid upon the table.

Mr. Montgomery, of Orange, presented the following resolution, to wit:

Whereas it is probable that an application will be made during the present session of Congress for an extension of the charter of the Bank of the United States, based upon principles identical with, or similar to those involved in the present organization:

*Be it therefore resolved by the General Assembly of the State of North Carolina*, That our Senators in Congress be instructed, and our Representatives requested, to resist any proposals for the extension of the charter of the existing Bank of the United States, or the establishment of any other predicated upon individual capital.

And the resolution having been read, on motion of Mr. Montgomery, of Orange, ordered that it be laid upon the table.

The bill to increase the tax on gates authorised to be erected across public roads, was read the second time, and, on motion of Mr. Allen, ordered that the said bill be postponed indefinitely.

Received from the House of Commons the resignation of Peyton High, a justice of the peace for the county of Wake, and of Harbert H. Harris, a justice of the peace for the county of Franklin, endorsed in that house "read and accepted;" and which were read and accepted by the Senate.



The Senate resumed the consideration of the bill to establish a bank on behalf of, and for the benefit of the State; and the several amendments reported by the committee of the whole being read, were concurred in by the Senate, except the following proviso, at the end of the seventeenth section, to wit: "Provided, nothing herein contained shall divest the Legislature of the power to appoint the President and Directors of the several branches of said bank, or of apportioning the capital thereof;" which was not agreed to. Mr. Martin moved to amend the bill by inserting the following after the word "and," in the thirteenth line of the 17th section, to wit: "the President and Directors of the mother bank shall have power;" which amendment was agreed to. Mr. Williams, of Martin, moved further to amend the bill by adding the following as an additional section, to wit: "And be it further enacted, that no member of the Legislature, who votes for or against the establishment of this bank, shall hold any appointment in said bank, nor shall they be entitled to any accommodation or loan from said bank;" which amendment was not agreed to—yeas 5, nays 51. The ayes and noes on said amendment being demanded by Mr. Williams of Franklin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Meares, Spaight, Smith, Williams of F. Williams of M.

Those who voted in the negative, are Messrs. Allen, Allison, Askew, Barnes, Beasley, Bell, Boddie, Brower, Burney, Cowper, Crump, Davenport, Davidson, Davis, Dick, Dickinson, Etheredge, Harris, Hinton of W. Hinton of B. Hoke, Johnson, Love, M'Daniel, M'Diarmid, M'Entire, M'Farland, M'Neill, Marshall, Martin, Matthews, Melchor, Mitchell, Montgomery of H. Montgomery of O. Moore, Mosely, Moye, Pool, Ramsey, Riddick, Saunderson, Sanders, Sherard, Sneed, Underwood, Walton, Ward, Wellborn, Welch, Wilson.

Mr. Mitchell moved further to amend the bill by inserting the following after the word "advance," in the ninth line of the 14th section, to wit: "but the notes of said bank shall be loaned to no person whatsoever, unless he shall make oath that the sum to be borrowed is designed for his own use, and for the purpose of the agricultural or manufactured productions of this State;" which amendment was not agreed to. Mr. Wilson moved further to amend the bill by striking out the words "after the passing of this act," in the first and second line of the first section; which amendment was agreed to. Mr. M'Farland moved further to amend the bill by inserting the word "Cashier" immediately after the word "President," where it occurs in the 23d section; which amendment was agreed to; and the bill was thereupon read the second time as amended, and passed—yeas 35, nays 24. The ayes and noes being demanded by Mr. Dickinson, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allison, Allen, Bell, Brower, Burgin, Cowper, Crump, Davenport, Davidson, Dick, Etheredge, Harris, Hinton of B. Hoke, Johnson, Love, M'Daniel, M'Farland, M'Neill, Marshall, Martin, Matthews, Miller, Montgomery of O. Moore, Pool, Ramsey, Riddick, Sanders, Sherard, Underwood, Walton, Wellborn, Welch, Wilson.

Those who voted in the negative, are Messrs. Askew, Barnes, Beasley, Boddie, Davis, Dickinson, Franklin, Hinton of W. Leonard, M'Diarmid, M'Entire, Meares, Melchor, Mitchell, Montgomery of H. Mosely, Moye, Saunderson, Spaight, Sneed, Smith, Ward, Williams of F. Williams of M.

And then the Senate adjourned until to-morrow morning, 10 o'clock.



WEDNESDAY DECEMBER 23, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to authorise Nathan G. Blount to erect a spiral wheel on Neuse river; in which they ask the concurrence of that House.

On motion of Mr. M'Neill,

*Resolved*, That the committee on so much of the Governor's message as relates to a Penitentiary and Lunatic Asylum, be directed to inquire into the propriety of establishing in this State an Asylum for the education of the deaf and dumb; and that they have leave to report by bill or otherwise.

Mr. Love presented the petition of Benj. S. Brittain, of Macon county, praying the Legislature to remunerate him for the loss of a tract of land by him purchased from the State, and for costs, trouble, &c. incurred by him in defending the title to the same. Ordered that the said petition, together with the accompanying documents, be referred to a select committee. Messrs. Love, Allen, Miller, M'Neill and M'Diarmid were appointed to form said committee.

Mr. Meares presented a bill to divorce John Sloan from Elizabeth Sloan; which was read the first time and passed; and on motion of Mr. Meares, ordered that the said bill, together with the accompanying papers, be referred to a select committee of three persons. Messrs. Meares, Hoke and Melchor were appointed to form said committee.

Received from the House of Commons a message, proposing that another balloting be had immediately for a Councillor of State; which proposition was agreed to, and Messrs. Mosely and Hinton of Wake were appointed a committee to conduct the balloting on the part of the Senate. Whereupon a message was received, stating that Messrs. Clark and Cox attend the Senate as superintendents of the balloting on their part.

A motion was made by Mr. Moore to reconsider the vote taken on yesterday on the bill amendatory of the laws relative to pilotage at Occacock Inlet; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative.

Mr. Montgomery, of Orange, presented the resignation of James Graham, colonel commandant, and Eli M'Daniel, lieutenant colonel, of the third Orange regiment of North Carolina militia; which were read and accepted, and sent to the House of Commons.

Mr. Burney presented the resignation of John Gore, a justice of the peace for the county of Columbus; which was read and accepted, and sent to the House of Commons.

Mr. Dick presented a bill to provide for the collection of debts in certain cases; which was read the first time and passed.

Mr. Hinton, of Wake, from the committee appointed to conduct the balloting for Councillor of State, reported that Joseph B. Outlaw, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Matthews, ordered that W. W. Boddie, the Senator from the county of Nash, have leave of absence for to-morrow.



The resolution in favor of Presley C. Person, was read the second time and passed.

The bill to provide for the better organization of the county courts of Rutherford; and the bill concerning the appointment of commissioners for the county of Franklin and town of Louisburg, were read the second and third times and passed, and ordered to be engrossed.

The bill to authorise Presley C. Person, late sheriff of Franklin county, to collect certain arrearages of taxes, was read the second time; and, on motion of Mr. Martin, ordered that the said bill be indefinitely postponed.

The bill for the better regulation of the town of Washington, was read the second time. Mr. Hinton, of Beaufort, moved to amend the bill by inserting the words "above twenty-one years" immediately after the word "town," in the third section; which amendment was agreed to, and the bill, as amended, was read the second time and passed.

On motion of Mr. Hinton, of Wake,

*Resolved,* That the committee on Public Buildings be instructed to report to this House, if any, and what repairs are necessary to the Capitol

Mr. Davenport presented a bill to authorise Charles Phelps, late sheriff of Washington county, to collect arrears of taxes; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution requesting the Governor to loan such instruments as may be necessary to survey and level New Hope creek; and the engrossed resolution directing the Governor to transmit to the Executive of Virginia the act of Assembly to incorporate the Lake Drummond and Orapeake Canal Company; in which they ask the concurrence of the Senate.— Whereupon the said resolutions were read and adopted, and ordered to be enrolled.

The bill to establish a Bank on behalf of, and for the benefit of the State, was read the third time. Mr. Wilson moved to amend the bill by striking out the whole thereof except the words "a bill," and inserting the following, to wit: "Whereas the charters of the several Banks in this State, to wit: the Bank of Newbern, the Bank of Cape Fear, and the State Bank of North Carolina, will expire on the first of January, 1835, in which the State is largely interested; and whereas it is deemed inexpedient to recharter the said Banks, or to establish any other Bank upon individual capital; it therefore becomes necessary to make provision for the profitable investment of the stocks owned by the State in said corporations, and the surplus fund of the State; and whereas it is deemed expedient and beneficial, both to the interest of the State and the citizens, to be owned exclusively by the State, for the purpose of affording a uniform circulating medium, defraying the expenses of the government, and to promote the agricultural and commercial interest thereof:

"Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a Bank shall be, and is hereby established on behalf of the State, by the name and style of 'The Bank of the State of North Carolina;' and all the stocks belonging to the State of every description whatsoever, whether of shares in the State Bank of North Carolina, shares in the Cape Fear and Newbern Banks, or other incorporated companies, the fund set apart for internal improvements, the literary fund, and all bonds and notes due to the State, and the proceeds of all vacant and unappropriated lands belonging to the same, shall consti-



tute and form the capital stock of said Bank, and shall be vested in a president and directors, to be appointed as the Legislature may direct.

"And be it further enacted, that the principal Bank hereby established, shall be located in the city of Raleigh; and the president and directors shall have power under the authority, and by the directions of this Legislature, to establish branches of said Bank in such places as they may think proper.

"And be it further enacted by the authority aforesaid, that it shall and may be lawful for any succeeding General Assembly to repeal, amend or modify any law which may hereafter be passed for the government of said corporation.

"And be it further enacted, that the bank hereby incorporated, shall not be organized, or go into operation until after the first day of June, 1831."

Which amendment was not agreed to.

Mr. M'Farland moved to amend the bill by inserting the words "of the Public Treasurer," after the word "drafts," in the seventh line of the thirteenth section; which amendment was agreed to. Mr. Hinton, of Beaufort, moved further to amend the bill, by inserting the following at the end of the 24th section, to wit: "unless such debtor shall render reasons satisfactory to the president and directors of such bank, that his failure to renew on the proper day was accidentally, and not intentionally;" which amendment was not agreed to. Mr. Hinton, of B. moved further to amend the bill, by inserting the following after the word "duties," in the 16th line of the 17th section, to wit: "Provided the salaries shall not, in any case, be greater than may be allowed by the Legislature to the officers of the Principal Bank;" which amendment was agreed to. Mr. M'Farland moved further to amend the bill, by striking out the word "shall," in the second line of the 14th section, and inserting the word "may;" which amendment was agreed to; and the bill, as amended, was read the third time and passed, and ordered to be engrossed—yeas 33, nays 25. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Bell, Brower, Burgin, Cowper, Crump, Davenport, Davidson, Etheredge, Harris, Hinton of B. Hoke, Johnson, Love, M'Daniel, M'Farland, M'Neill, Marshall, Martin, Matthews, Miller, Montgomery of O. Moore, Pool, Ramsey, Riddick, Sherard, Underwood, Walton, Wellborn, Welch, Wilson.

Those who voted in the negative, are Messrs. Askew, Barnes, Beasley, Burney, Davis, Dickinson, Franklin, Hinton of W. Leonard, M'Diarmid, M'Entire, Meares, Melchor, Mitchell, Montgomery of H. Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Williams of F. Williams of M.

The engrossed bill amendatory of the laws relative to pilotage at Occacock Inlet, was read the second time, and, on motion of Mr. Meares, ordered that the said bill be indefinitely postponed.

Received from the House of Commons a message, stating that they concur in the several amendments made by the Senate to the engrossed bill amendatory of the law respecting the crime of bigamy. Whereupon the said bill was ordered to be enrolled.

On motion of Mr. Harris, ordered that James Riley have leave to withdraw the papers accompanying his petition, relative to his claim to certain lands in the county of Davidson.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 24, 1829.

A message was sent to the House of Commons, stating that the Senate



have passed the following engrossed bills, to wit: A bill to provide for the better organization of the county courts of Rutherford county; a bill concerning the appointment of Commissioners for the county of Franklin and town of Louisburg; and a bill to establish a bank on behalf of, and for the benefit of the State; in which they ask the concurrence of the House of Commons.

Mr. Hinton, of Wake, from the select committee to whom was referred the communication from the Comptroller, in relation to the settlement of the sheriff of the county of Macon, made a report thereon, accompanied by the following resolutions, to wit:

*Resolved*, That the Comptroller be directed to suspend the settlement of the sheriff of Macon, for taxes due on pedlars', merchants' and tavern licenses, due for 1829, until 1830.

*Resolved further*, as the opinion of this Legislature, that the said sheriff is not in justice entitled to mileage and per diem allowance for 1829.

Which were read and adopted, and ordered to be engrossed.

On motion of Mr. Wellborn,

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of so disposing of the unexpended balance of the appropriation made by the last General Assembly for opening and improving the navigation of Cape Fear river below Wilmington, inasmuch as the United States have appropriated twenty thousand dollars for the same object; and the said committee is further instructed to inquire into the expediency of appropriating said balance, for the purpose of making a rail road from Fayetteville to Campbellton, in this State, with leave to report by bill or otherwise.

Mr. Meares, from the committee on the Judiciary, to whom was referred the bill to amend an act, passed at the last session, chapter 8th, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, &c. made a report thereon, stating that in the opinion of the committee, it is inexpedient to make any alteration in the said law, and recommend the rejection of the said bill. Whereupon Mr. Sneed moved that the said report and bill be laid upon the table; which was not agreed to; and the bill being read the second time, the question on the passage thereof was decided in the negative—yeas 21. nays 34. The yeas and noes being demanded by Mr. Hinton, of Beaufort, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Barnes, Beasley, Burney, Cowper, Davenport, Davis, Dickinson, Etheridge, Harris, Hinton of B. M'Neil, M'Diarmid, Melchor, Montgomery of H. Pool, Riddick, Saunderson, Walton, Ward, Wellborn, Williams of M.

Those who voted in the negative are Messrs. Allen, Allison, Askew, Bell, Brower, Burgin, Crump, Davidson, Dick, Franklin, Hinton of Wake, Hoke, Johnson, Leonard, Love, M'Daniel, M'Farland, Marshall, Matthews, Meares, Miller, Mitchell, Moore, Mosely, Moye, Rainey, Spaight, Sherard, Sneed, Smith, Underwood, Welch, Williams of Franklin, Wilson.

Mr. Love presented a bill to divide the regiment of militia in Macon county; which was read the first time and passed.

Mr. M'Farland, from the select committee, to whom was referred the bill for the education of the poor children of the State of North Carolina, reported the same without amendment. Whereupon, on motion of Mr. Meares, ordered that the said bill, together with the report, be laid upon the table.

The resolution in favor of Presly C. Person was read the third time and passed, and ordered to be engrossed.

Mr. Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred the petition of James Moore, of Duplin



county, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the prayer of the petitioner be not allowed.

Mr. Miller moved that the report and resolution be laid upon the table; which was not agreed to. Mr. Miller moved to amend the resolution, by striking out the whole thereof, except the word "Resolved," and inserting the following, "that the Secretary of State be, and he is hereby authorised and directed to issue to James Moore, of Duplin county, a warrant for four hundred and twelve acres of land, it being the balance of six hundred and forty acres, which the said James Moore is entitled to for military services rendered in the revolutionary war;" which amendment was not agreed to. The question then recurring on the adoption of the resolution reported by the committee, it was determined in the affirmative.

On motion of Mr. Miller, ordered that James Moore have leave to withdraw his petition and the accompanying papers.

The engrossed bill to authorise the Governor to grant certain lands to the Baptist Congregation at Franklin, in the county of Macon, was read the second time and passed.

Mr. Welch presented a bill to amend an act, passed A. D. 1828, concerning the county of Macon; which was read the first time and passed.

The bill to repeal a part of the second section of an act, entitled an act to revise the militia laws of this State relative to the infantry, passed A. D. 1806, was read the second time, and, on motion of Mr. Dick, ordered that the said bill be indefinitely postponed—yeas 30, nays 24. The yeas and noes being demanded by Mr. Brower, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Barnes, Burgin, Davidson, Dick, Dickinson, Franklin, Hinton of W. Hinton of B. M'Daniel, M'Entire, Meares, Melchor, Mitchell, Montgomery of H. Mosely, Pool, Riddick, Saunderson, Spaight, Sherard, Sneed, Smith, Walton, Ward, Welch, Williams of F. Williams of M. Wilson.

Those who voted in the negative, are Messrs. Askew, Beasley, Bell, Brower, Burney, Cowper, Davenport, Davis, Etheridge, Harris, Hoke, Johnson, M'Diarmid, M'Farland, M'Neill, Marshall, Martin, Matthews, Moore, Moye, Rainey, Ramsey, Underwood, Wellborn.

The engrossed bill concerning the places where company musters shall be held, was read the second time and passed.

Mr. Hinton, of Beaufort, presented the petition of sundry citizens of the county of Beaufort, praying the passage of an act to regulate the fisheries on Blount's creek, in said county. Mr. Hinton, of Beaufort, also presented a bill to carry the prayer of the petitioners into effect; which was read the first time and passed.

Mr. Mosely presented the petition of sundry citizens of Lenoir county, praying the passage of a law more effectually to provide for the apprehension of runaway slaves. Ordered that the said petition be referred to the committee on the Judiciary.

Mr. M'Diarmid presented the following resolution and preamble, to wit:

Whereas it appears from the Comptroller's settlement with John Black, sheriff of Cumberland county, that two thousand two hundred and eighty dollars and eighty five cents, was the amount of taxes for which he ought to have accounted: And whereas it appears that he has paid into the Treasury, on the 10th of October, 1829, the sum of two thousand two hundred and ninety nine dollars and twenty-three cents, a sum greater than he ought to have paid:

*Be it therefore resolved*, That on the said John Black's accounting for the amount of taxes, on unlisted property, billiard table, &c. as by law he is bound to do, and as by the Comptroller's settlement with him, it appears he has done, that the penalty incur-



red for failing to settle on the first day of October, be remitted; and that the Public Treasurer be authorised and directed to refund to him the surplus money that he has paid into the Treasury, allowing him his mileage, commissions and insolvents, in the same manner as if he had settled at the time prescribed by law; and that the Public Treasurer be allowed the same in the settlement of his accounts.

And the resolution having been read, on motion of Mr. M'Diarmid, ordered that it be referred to the committee on Propositions and Grievances, together with the accompanying document.

On motion of Mr. Dick, ordered that Abraham Brower, the Senator from the county of Randolph, have leave of absence for Saturday next; and, on motion of Mr. Wellborn, ordered that Wyatt Moye, the Senator from the county of Greene, have leave of absence for Saturday next.

On motion of Mr. Mearns, ordered that the report of the select committee, on the bill to provide for the education of the poor children of the State of North Carolina, be printed, one copy for each member of the Legislature.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill vesting in the Superior and County Courts jurisdiction of applications for the legitimation of bastard children; a bill to authorise Thomas L. Cowan, of the county of Rowan, to erect certain gates therein mentioned; a bill to prevent the falling of timber in, or obstructing the run of Rocky river, in a portion of the county of Chatham; a bill to authorise the securities of Wm. Gregory, late sheriff of Pasquotank county, to collect arrears of taxes for the year therein mentioned; a bill to authorise the Court of Pleas and Quarter Sessions of the county of Currituck to provide for the erection of public buildings, and for other purposes; a bill to compel the trustees of Moore, Chatham and Robeson counties to pay the jurors in preference to other claims; and a bill supplementary to an act for improving the navigation of Black or South river, so far as it is the dividing line between the counties of Sampson and Cumberland. Whereupon the said bills were severally read the first time and passed.

The engrossed bill to authorise Thomas L. Cowan, of the county of Rowan, to erect certain gates therein mentioned, was read the second time, and, on motion of Mr. Spaight, ordered that the said bill be laid upon the table.

The engrossed bill to authorise the securities of William Gregory, late sheriff of Pasquotank county, to collect arrears of taxes for the year therein mentioned, was read the second time. Mr. Martin moved to amend the bill, by striking out all thereof after the word "county," in the twenty-first line; which amendment was agreed to; and, on motion of Mr. Wellborn, ordered that the bill lie upon the table.

The engrossed bill to prevent the falling of timber in, or obstructing the run of Rocky river, in a portion of the county of Chatham; the bill to authorise the Court of Pleas and Quarter Sessions of the county of Currituck to provide for the erection of public buildings, and for



other purposes; the bill to compel the trustees of Moore, Chowan and Robeson counties, to pay the jurors in preference to other claims; and the bill supplementary to an act for improving the navigation of Black or South river, so far as it is the dividing line between the counties of Sampson and Cumberland, were severally read the second and third times and passed, and ordered to be enrolled.

The bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Wayne, was read the second and third times and passed, and ordered to be engrossed.

The bill to authorise Andrew Welch and William Thomas to erect gates; and the bill to amend an act, passed A. D. 1817, entitled an act to prevent persons from obstructing the passage of fish up Newbegun creek, in the county of Pasquotank, were read the third time and passed, and ordered to be engrossed.

The engrossed bill to alter the times of holding elections in the sixth Congressional district, was read the second time and passed.

The bill to authorise Henry S. Spencer, sheriff of the county of Hyde, to collect arrearages of taxes, was read the third time, and, on motion of Mr. Saunderson, ordered to lie on the table.

The engrossed bill to amend an act, passed in 1828, entitled an act appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town, was read the third time and passed, and ordered to be enrolled.

And the engrossed bill concerning the elections in the counties of Davidson and Mecklenburg, was read the third time, and, on motion of Mr. Meares, ordered to lie on the table.

The bill to amend an act, passed last session, entitled an act to establish separate elections in the county of Person, was read the second and third times and passed, and ordered to be engrossed.

The bill concerning fishing in the waters of Blount's creek, was read the second time, and, on motion of Mr. Spaight, ordered that the said bill be referred to the committee on Propositions and Grievances.

The bill to authorise Charles Phelps, late sheriff of Washington county, to collect arrears of taxes, was read the second time, and resolved that the same shall not pass—yeas 6, nays 47. The yeas and nays being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Beasley, Davenport, Hinton of B. Montgomery of H. Saunderson.

Those who voted in the negative, are Messrs. Allison, Barnes, Bell, Burgin, Burney, Cowper, Crump, Davidson, Davis, Dick, Dickinson, Etheredge, Franklin, Harris, Hinton of W. Hoke, Johnson, Leonard, Love, M'Diarmid, M'Daniel, M'Entire, M'Farland, M'Neil, Marshall, Martin, Matthews, Meares, Melchor, Mitchell, Montgomery of O. Moore, Pool, Ramey, Ramsey, Riddick, Spaight, Sherard, Sneed, Smith, Underwood, Walton, Ward, Wellborn, Welch, Williams of F. Williams of M.

And the Senate adjourned until Saturday morning, 10 o'clock.

SATURDAY, DECEMBER 26, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to amend



an act, passed last session, entitled an act to establish separate elections in the county of Person; a bill to authorise Andrew Welch and William Thomas, of the county of Macon, to erect certain gates therein mentioned; a bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Wayne; a bill to amend an act, passed A. D. 1817, entitled an act to prevent persons from obstructing the run of fish up Newbegun creek, in the county of Pasquotank; and also the engrossed resolution concerning the settlement of the sheriff of Macon; in which they ask the concurrence of that House.

Mr. M'Farland presented the petition of Elijah Thomas, and others, of the county of Richmond, praying to be incorporated into a company, for the purpose of rearing sheep and growing wool. Mr. M'Farland also presented a bill to carry into effect the prayer of the petitioners; which was read the first time and passed. Ordered that the said bill, together with the memorial accompanying the same, be referred to the committee on the Judiciary.

Mr. Davidson presented a bill to authorise the Treasurer to issue Treasury Notes; which was read the first time and passed.

Mr. Martin, from the committee on Claims, to whom was referred the resolution in favor of David Graybeal, reported the same with an amendment, viz: strike out the word "fifteen," in the fourth line of the resolution, and insert "ten;" which amendment was agreed to; and the resolution was thereupon read the first time and passed.

Mr. Hinton, of Beaufort, presented a bill concerning the Washington toll bridge; which was read the first time and passed.

On motion of Mr. Allen, the Senate proceeded to consider the bill to erect out of a part of the counties of Burke and Buncombe, a separate and distinct "district;" and the bill being read the third time, Mr. Allen moved to amend it by striking out the word "district," and inserting the word "county." Mr. Dickinson moved that the bill be laid upon the table; which was not agreed to. The question then recurring on the amendment proposed by Mr. Allen, it was determined in the affirmative; and, on motion of Mr. Miller, ordered that the consideration of the said bill be postponed until Monday next.

Received from the House of Commons a message, stating that they have passed the engrossed bill directing the removal of certain papers from the office of the Treasurer to that of Secretary of State, with amendments, to wit: After the words or figures "1828," in the 17th line of the first section, insert the words "entitled an act concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of the Roanoke river;" and after the last word in the act, add the words, "and agreeably to the provisions of the before recited act;" in which they ask the concurrence of the Senate. Whereupon the said amendments were read and agreed to, and the House of Commons were informed thereof by message.

Mr. Wellborn presented the resignation of Larkin Shepherd, a justice of the peace for the county of Wilkes; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, accompanied by a communication from the Public Treasurer, transmitting statements of the



Branches of the State Bank at Wilmington and Fayetteville, and the Branch of the Cape Fear Bank at the former place, with a proposition that they be referred to the committee on the Banks, and be printed, one copy for each member of the Legislature. The said communications having been read, on motion of Mr. Sneed, ordered that they be laid upon the table.

A message was also received from the House of Commons, stating that they have rejected the engrossed bill granting jurisdiction to the respective county courts within this State to alter the name of individuals on application.

On motion of Mr. Wellborn, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Hinton, of Wake, in the chair, to take into consideration the resolution submitted by Mr. Caldwell on the 24th of November last, in relation to the powers of Congress to make improvements of national concern; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Hinton, of Wake, reported that the committee of the whole had had the said resolution under consideration, and not having time to go through the same, had instructed him to report that they had made some progress therein, and ask leave to sit again; and on the question, Shall the committee have leave to sit again on the said resolution? it was determined in the affirmative.

On motion of Mr. Meares, the Senate resolved itself into a committee of the whole House, Mr. Wilson in the chair, to take into consideration the bill fixing the fees of clerks of the County and Superior Courts, and sheriffs' fees; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wilson reported that the committee of the whole had had the said bill under consideration, and had made some progress therein, and not having time to go through the same, had instructed him to ask leave to sit again; and on the question, Shall the committee have leave to sit again on said bill? it was determined in the affirmative.

And the Senate adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 28, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution in favor of Presly C. Person; in which they ask the concurrence of that House.

Mr. Wellborn presented a bill to prevent protracted and vexatious litigation, by enlarging the jurisdiction of justices of the peace out of Court; which was read the first time and passed; and, on motion of Mr. Wellborn, ordered that the said bill be printed, one copy for each member of the Legislature.

Mr. Hinton, of Beaufort, presented a bill ceding to the United States jurisdiction over certain lands as sites for light houses; which was read the first time and passed.

Mr. Sneed, from the committee on Finance, to whom was referred the report of the Public Treasurer, for the purchase of the lands lately acquired from the Cherokee Indians, and for the purchase of reversionary interest of the State in the lands formerly owned by the Tuscarora Indians, made a report thereon, accompanied by a bill concerning the bonds in the office of the Public Treasurer for the purchase of the Cherokee and Tuscarora lands; which was read the first time and passed.

Mr. Meares, from the committee on the Judiciary, to whom was referred



the petition of Isabella Staton, made a report thereon, accompanied by a bill vesting certain powers in the Court of Pleas and Quarter Sessions for Edgecombe county; which was read the first time and passed.

Mr. Meares, from the same committee, to whom was referred the petition of sundry inhabitants of Lenoir county, made a report thereon, accompanied by a bill more effectually to prevent the depredations of runaway slaves, and to encourage their apprehension in the county of Lenoir; which was read the first time and passed.

The bill, to authorise Joseph Loftin, late sheriff of Lenoir county, to collect arrearages of taxes, was read the second time, and, on motion of Mr. Martin, ordered that the said bill be indefinitely postponed.

The bill for the better regulation of the town of Washington, was read the third time and passed, and ordered to be engrossed.

Mr. Hinton, of Wake, presented a bill to alter the times of holding the Superior Court of Law and Equity in the third Judicial circuit; which was read the first time and passed.

Mr. Allen presented a bill for the encouragement of Newton Academy, in the county of Buncombe; which was read the first time and passed.

Mr. Martin, from the committee on Claims, to whom was referred the petition of Thomas Walker, of Mecklenburg county, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the Public Treasurer be, and he is hereby authorised to pay to Wm. Davidson, Esq. Senator from the county of Mecklenburg, one hundred and twenty dollars, for the especial use and benefit of Thomas Walker, a revolutionary soldier of said county, and that the same be allowed in the settlement of his accounts.

Which was read the first time and passed.

Mr. Ward, from the committee on so much of the Governor's message as relates to the militia and public arms, made a report thereon, accompanied by a bill concerning the distribution of the public arms to certain police authorities therein specified, and in case of invasion or insurrection, and for other purposes; which was read the first time and passed.

Mr. Sneed, from the joint select committee on the Penitentiary and Lunatic Asylum, to whom was referred the papers and documents communicated by the Governor to the General Assembly at the last session in relation to a Lunatic Asylum, made a report thereon, accompanied by a bill to establish a fund for the erection and support of a Lunatic Asylum; and a bill to ascertain the number of maniacs, lunatics and persons *non compos mentis*, within the State; which was read the first time and passed.

Mr. Cowper presented the following resolution, to wit:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law as to extend the time now allowed for the collection of arrearages of taxes.

Which was read, and resolved that the same shall not pass.

On motion of Mr. Dick, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Wilson in the chair, to take into consideration the bill fixing the fees of the clerks of the County and Superior Courts, and sheriffs' fees; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wilson reported that the committee of the whole had had the said bill under consideration, and having made some progress therein, and not having sufficient time to go through the same, had instructed him to ask leave to sit again; and on the question, shall the committee have leave to sit again on the said bill? it was determined in the affirmative.



Mr. Mitchell, from the committee on Internal Improvement, to whom was referred the bill concerning the Catawba Navigation Company, reported the same with sundry amendments; which were read and agreed to by the Senate, and the bill, as amended, was read the second time and passed.

Mr. Hinton, of Wake, announced the death of Reuben Sanders, Esquire, Senator from the county of Johnston, who died this morning. Whereupon, on motion of Mr. Hinton, of Wake,

*Resolved*, That the members of this Legislature wear crape on their left arm for the space of 30 days, as a testimony of respect to the memory of Reuben Sanders, Esq. deceased, late Senator from Johnston county.

Ordered that the said resolution be engrossed and sent to the House of Commons for concurrence.

On motion of Mr. Spaight,

*Resolved*, That the Senate do now adjourn.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

#### TUESDAY, DECEMBER 29, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill for the better regulation of the town of Washington; in which they ask the concurrence of that House.

Mr. Pool presented the certificate of allowance of the County Court of Chowan county in favor of Eleanor Trulove, a pensioner of the State; which was read and ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Rainey presented a bill requiring Registers and Clerks of the Superior and County Courts, and Clerks and Masters in Equity, to keep their offices at the court houses; which was read the first time, and resolved that the same shall not pass.

Mr. Underwood presented the resignation of Alfred Kornegay, lieutenant colonel of the Sampson county militia; which was read and accepted and sent to the House of Commons.

On motion of Mr. Davidson, ordered that a message be sent to the House of Commons, proposing to ballot immediately for colonel commandant and major of cavalry of the 11th brigade and 4th division, and stating that the name of Wm. C. Meares is in nomination for colonel commandant, and and that of James Dunn for major.

Received from the House of Commons a message, stating that they have passed the engrossed bill to vest the right of electing sheriffs in the several counties of this State in the free white men thereof, with sundry amendments, to wit: at the end of the 2nd section, add the following: "And be it further enacted, that in case of the failure of the persons appointed to hold said elections, or either of them, it shall be competent for a justice of the peace and two freeholders to supply the vacancy;" after the word "law" in the sixth line of the fourth section, add the words "and take the oath heretofore prescribed by law for the qualification of sheriffs;" after the word "annually" in the twenty-fourth line of the said section, add the following: "and to produce the receipts from the Public Treasurer, county trustee and wardens of the poor, for the time being in full of all monies by him collected, or which ought to have been by him collected for the use of the State and county, and for which he shall have become accountable;" and after the word "bonds" in the last line of said section but one, add the words "or exhibit the aforesaid receipts;" in the third



line of the seventh section, between the *superior* and *county*, strike out the word "and" and insert the word "or," and further, in the said section strike out the word "that" at the beginning of the fifth line; in the eighth line of the eighth section, after the word "now" add the word "are;" and to the tenth and last section, add the following proviso: "Provided always, that nothing herein contained shall be so construed as to repeal the law, or any part of the law which renders the magistrates liable for neglect to take sufficient bonds or sureties of a sheriff or coroner;" in which they ask the concurrence of the Senate. Whereupon the said several amendments were read and concurred in by the Senate, and the House of Commons were informed thereof by message.

Mr. M'Diarmid presented a bill securing the collection of fines and amercement from sheriffs in this State; which was read the first time, and resolved that the same shall not pass.

Mr. Sneed, from the committee on Finance, to whom was referred the report of the Public Treasurer in relation to a judgment obtained against certain devisees of the late John Haywood, Esq. at the instance of the State on scire facias, in Wake County Court against them, by which certain lands have been condemned in the hands of the devisees, made a report thereon, accompanied by a bill to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood; which was read the first time and passed.

On motion of Mr. Martin, ordered that a message be sent to the House of Commons, proposing to raise a joint select committee, consisting of five members of each House, to meet this day at 3 o'clock in the Conference Hall, to ascertain the true construction of the first section of the Joint Rules of both Houses so far as regards the application of the term "perfect" in that section. Ordered that Messrs. Martin, Meares, Dick, Davidson and Mosely form the said committee on the part of the Senate.

Mr. Hinton, of Wake, presented the petition of Joseph Ross and Thomas G. Scott, late auctioneers for the city of Raleigh, praying to have certain monies refunded to them, which they state were improperly and through mistake paid into the Public Treasury. Ordered that the said petition, with the accompanying documents, be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, agreeing to ballot immediately for cavalry officers of the 11th brigade, and stating that Messrs. M'Lean and Kendall attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. M'Entire and M'Daniel were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Swain, Bynum, Gary, Wyche and Carson form the select joint committee on the part of that House to join the committee appointed by the Senate, in the Conference Hall at three o'clock, to ascertain the true construction of the first section of the Joint Rules of both Houses, so far as regards the application of the term "perfect."

On motion of Mr. Dick, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Wilson in the chair, to take into consideration the bill fixing the fees of the clerks of the County and Superior Courts, and sheriffs' fees; and, after some time spent



therein, Mr. Speaker resumed the chair, and Mr. Wilson reported the said bill with sundry amendments, and recommended that it be passed into a law. Whereupon the said several amendments were read and agreed to by the Senate, and the bill, as amended, was read the second time and passed.

Mr. Dick moved that the Senate do now adjourn until this evening, at half past 6 o'clock; which was not agreed to—yeas 22, nays 36. The ayes and noes being demanded by Mr. Wilson, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Brower, Burgin, Dick, Dickinson, Harris, Hoke, Johnson, Love, M'Entire, M'Farland, M'Neil, Marshall, Meares, Melchor, Mitchell, Montgomery of O. Moore, Ramsey, Smith, Wellborn.

Those who voted in the negative, are Messrs. Askew, Barnes, Beasley, Bell, Boddie, Burney, Cowper, Crump, Davenport, Davidson, Davis, Etheredge, Franklin, Hinton of W. Hinton of B. Leonard, M'Daniel, M'Diarmid, Martin, Matthews, Miller, Montgomery of H. Mosely, Moye, Pool, Riddick, Saunderson, Spaight, Sherard, Sneed, Underwood, Walton, Ward, Williams of F. Williams of M. Wilson.

On motion of Mr. Matthews, the Senate proceeded to consider the bill to erect out of a part of the counties of Burke and Buncombe a separate and distinct county; and, on motion of Mr. Bell, ordered that the said bill be postponed indefinitely—yeas 32, nays 28. The ayes and noes being demanded by Mr. Bell are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Barnes, Beasley, Bell, Boddie, Burney, Cowper, Davenport, Davis, Dickinson, Etheredge, Hinton of W. Hinton of B. Leonard, M'Daniel, Matthews, Miller, Montgomery of H. Mosely, Moye, Pool, Riddick, Saunderson, Spaight, Sherard, Sneed, Underwood, Walton, Ward, Williams of F. Williams of M. Wilson.

Those who voted in the negative, are Messrs. Allen, Allison, Brower, Burgin, Crump, Davidson, Dick, Franklin, Harris, Hoke, Johnson, Love, M'Diarmid, M'Entire, M'Farland, M'Neil, Marshall, Martin, Meares, Melchor, Mitchell, Montgomery of O. Moore, Rainey, Ramsey, Smith, Wellborn, Welch.

Mr. M'Daniel, from the committee appointed to conduct the balloting for cavalry officers of the 11th brigade, reported that Wm. C. Meares is duly elected colonel commandant, and James Dunn major; in which report the Senate concurred.

The Senate then adjourned until this afternoon, 4 o'clock.

#### TUESDAY EVENING, 4 o'clock, DECEMBER 29 1829.

The bill to authorise Henry S. Spencer, sheriff of the county of Hyde, to collect arrearages of taxes, was read the third time, and resolved that the same shall not pass.

The resolution in favor of Isaiah Rogerson, sheriff of Perquimons county, was read the second time and passed.

Mr. Spaight, from the select joint committee, appointed to inquire into the progress of business before the two Houses, and ascertain how far it may be practicable to close the session within this month, reported that it would be impossible for the General Assembly to act upon all the business before it and adjourn within the present month, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

A motion was made by Mr. Wellborn to reconsider the vote taken on to-day on the bill securing the collection of fines and amercements from sheriffs in this State; and on the question, Will the Senate reconsider the said vote? it was determined in the affirmative. Whereupon the said bill was read the first time and passed.



The engrossed bill to authorise John V. Sumner, late sheriff of Gates county, to collect the arrears of taxes due him in said county, for the year 1827, was read the second time; and, on motion of Mr. Rainey, ordered that the said bill be indefinitely postponed.

The following engrossed bills, to wit: The bill to repeal an act, passed at the session of 1828, entitled an act to authorise the county courts of the counties of Ashe and Wilkes to keep in repair a road by Jefferson, by the imposition of tolls on said road; the bill to extend the provisions of an act, passed A. D. 1826, entitled an act to appoint commissioners to build a new court-house in the county of Surry, and for other purposes; and the bill appointing commissioners to run out and mark the dividing line between the counties of Anson and Mecklenburg, were severally read the second and third times and passed, and ordered to be enrolled.

The following bills, to wit: The bill authorising Alexander Murchison, William Murchison and Duncan Murchison to erect a bridge across Lower Little river, in Cumberland county; the bill for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes; the bill vesting certain powers in the Court of Pleas and Quarter Sessions for Edgecombe county; and the bill concerning the Washington toll bridge, were severally read the second and third times and passed, and ordered to be engrossed.

The engrossed bill concerning the elections in the counties of Davidson and Mecklenburg, was read the third time. Mr. Meares moved to amend the bill by extending the provisions of the bill to the county of New Hanover; which amendment was agreed to. Mr. Meares moved further to amend the bill, by inserting the words "and town of Wilmington," after the word "Mecklenburg," in the proviso of said bill; which amendment was agreed to; and the bill, as amended, was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to regulate the fisheries of Tar and Pamlico rivers, was read the second time and passed, and, on motion of Mr. Hinton, of B. ordered to lie on the table.

The bill to authorise James L. Clark, late sheriff of Pitt, to collect certain arrearages of taxes, was read the second time, and, on motion of Mr. Dickinson, ordered that the said bill be indefinitely postponed.

Received from the House of Commons a message, stating that they have rejected the engrossed bill to provide for the better organization of the county courts of Rutherford; and also the engrossed bill to repeal part of an act, passed at the last session, chapter 74, entitled an act to compel the clerks of the County and Superior Courts, and register of the county of Chatham, to keep their respective offices at Pittsborough, in said county, and for other purposes.

The resolution in favor of Ransom Hinton, was read the third time and passed, and ordered to be engrossed.

A message was received from the House of Commons, stating that



they have passed the engrossed bill concerning the University of North Carolina; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution, directing that the statement of balances of the different debts due to and from the State, which accompanied the report of the commissioners appointed by resolution of the last General Assembly, be placed on file in the Comptroller's office, &c.; in which they ask the concurrence of the Senate. Whereupon the said resolution was read and ordered to be engrossed.

Received from the House of Commons a message, stating that they recede from their amendment made in the engrossed bill to appoint a committee of Finance for the county of Richmond, and prescribing the sum the clerk of the county court and sheriff shall receive for their extra services.

The bill more effectually to prevent the depredations of runaway slaves, and to encourage their apprehension in the county of Lenoir, was read the second time. Mr. Sherard moved to amend the bill, by adding after the word "Lenoir," the word "Wayne." Mr. Spaight moved further to amend the bill by adding the word "Craven." Mr. Ward moved further to amend the bill by adding the word "Onslow." Mr. Meares moved further to amend the bill by adding the words "New Hanover." Mr. Davenport moved further to amend the bill by adding the word "Washington." Mr. Allen moved further to amend the bill by adding the word "Bancombe." Mr. M'Daniel moved further to amend the bill by adding the word "Jones." Mr. Dickinson moved further to amend the bill by adding the word "Pitt." Mr. Hinton, of B. moved further to amend the bill by adding the word "Beaufort." Mr. Cowper moved further to amend the bill by adding the word "Gates." Mr. Montgomery, of H. moved further to amend the bill by adding the word "Hertford;" and Mr. Moye moved further to amend the bill by adding the word "Greene;" which several amendments were agreed to; and the bill, as amended, was read the second time and passed.

Received from the House of Commons two messages, accompanied by communications from the Public Treasurer, transmitting certain exhibits and statements from sundry of the Banks in this State, and proposing that the same be printed, one copy for each member of the Legislature; and the said communications being read, on motion of Mr. Sneed, ordered that they, together with the accompanying documents, be laid upon the table.

Received also from the House of Commons a message, accompanied by a communication from the Governor, transmitting the report of the Treasurer of the Board of Trustees of the University, and proposing that the same be printed, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons were informed thereof by message.



Received also from the House of Commons a message, stating that they have rejected the recommendation of James Dozier, as colonel commandant of the Brunswick county militia.

A message was also received from the House of Commons, stating that they have passed the engrossed bill to authorise the forming a fire engine company in the town of Elizabeth City, with amendments, to wit: strike out "forty," the last word of the first section, and insert "twenty;" and also in the fifth line of the 6th section, after the word duty strike out the remainder of the section; in which they ask the concurrence of the Senate; and the said amendments having been read, it was resolved that the Senate do not concur therewith, and the House of Commons were informed thereof by message.

Received from the House of Commons the resignation of O. W. B. Cox, as major of the 25th regiment of militia for the county of Jones, endorsed in that House, "read and accepted;" and which was read and accepted by the Senate.

Received also from the House of Commons the certificate of allowance of the County Court of Warren county in favor of Elizabeth Harris, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons."

And then the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 30, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill concerning the Washington toll bridge; a bill authorising Alexander, William and Duncan Murchison to erect a bridge across Lower Little river, in Cumberland county; and a bill vesting certain powers in the Court of Pleas and Quarter Sessions for Edgewood county; also the engrossed resolution in favor of Ransom Hinton; in which they ask the concurrence of that House.

Mr. Montgomery, of Orange, presented the resignations of Joseph Allison, as lieutenant colonel of the 2nd regiment, and of Jeremiah Holt, as major of the 3d regiment of Orange county militia; which were read and accepted, and sent to the House of Commons.

On motion of Mr. Meares, the Senate resolved itself into a committee of the whole House, Mr. Miller in the chair, to take into consideration the bill to authorise and direct the Supreme Court to be holden in the several places therein mentioned; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Miller reported that the committee of the whole had had the said bill under consideration, and had made an amendment thereto, and had instructed him to report the same to the House. Whereupon the said amendment was read and agreed to, and the bill, as amended, was read the second time. Mr. Burgin moved to amend the bill by striking out the word "Statesville" in the first section, and inserting the word "Morganton;" which amendment was not agreed to. Mr. Allison moved fur-



ther to amend the bill by striking out the word "third" in the 7th line, and inserting the word "fourth;" and further to amend the bill in the eighth line, by striking out the word "third" and inserting the word "second;" which amendments were agreed to. Mr. Allison moved further to amend the bill by striking out the word "third" in the third line of the second section, and inserting the word "second;" and further to amend the bill by striking out the word "first" and inserting the word "fourth;" which amendments were agreed to. Mr. Allison moved further to amend the bill by striking out all of the first and second sections, after the word "which," and inserting the following, to wit: "and that the winter sessions shall be held for the term of three weeks, and the summer sessions for the term of four weeks, in each and every year, should the business require it;" which amendment was agreed to, and the bill, as amended, was read the second time and passed.

Mr. Meares, from the committee on the Judiciary, to whom was referred the memorial and bill to incorporate the Richmond Wool Growing Company, made a report thereon, stating that it would be inexpedient to pass the said bill, and therefore recommend its rejection. Whereupon the said bill was read the second time, and resolved that the same shall not pass.

Mr. Meares, from the same committee, to whom was referred the bill to divorce John Sloan from his wife Elizabeth, reported the same without amendment, and recommended that the same be passed into a law. Whereupon the said bill was read the second time and passed.

On motion of Mr. M'Diarmid, ordered that Jacob Leonard, the Senator from the county of Brunswick, have leave of absence from and after this day for the remainder of the session.

James J. M'Kay, the Senator from the county of Bladen, appeared, produced his credentials, was qualified and took his seat.

Mr. Rainey presented a bill to compel the Register, and Clerk and Master in Equity in the county of Caswell, to keep their offices at the court house in said county; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Cumberland county in favor of John Taylor, made a report thereon, and the resolution therein contained, as follows, to wit:

*Resolved*, That the prayer of the petitioners be allowed,

Was concurred in by the Senate.

Mr. Williams, of Martin, from the same committee, to whom was referred the resolution in favor of John Black, sheriff of Cumberland county, reported the same without amendment, and recommended its passage. Whereupon the said resolution was read the second time and passed.

Mr. Meares presented a bill to alter the mode of compensation to members of the Senate and House of Commons; which was read the



first time and passed—yeas 44, nays 11. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Beasley, Boddie, Brower, Burgin, Cowper, Davis, Dick, Dickinson, Franklin, Harris, Hinton of W. Hoke, Johnson, Leonard, Love, M'Daniel, M'Diarmid, M'Farland, M'Neill, Marshall, Martin, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of O. Moore, Mosely, Moye, Pool, Ramsey, Riddick, Sneed, Smith, Underwood, Walton, Ward, Wellborn, Welch, Williams of F. Wilson.

Those who voted in the negative, are Messrs. Allen, Allison, Bell, Burney, Davidson, Hinton of B. M'Kay, Montgomery of H. Sanderson, Spaight, Sherard.

The engrossed bill to authorise the Governor to grant certain lands to the Baptist congregation at Franklin, in the county of Macon, was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message of the 28th instant, stating that a bill has been transmitted to that House from the Senate, entitled "a bill to establish a Bank on behalf of, and for the benefit of the State;" in which they ask the concurrence of that House; and stating further, that on the inspection of the bill, it appears that the said bill has not been "perfected;" for that in it several blanks are not filled; and the House of Commons, believing that the bill had been prematurely transmitted, do respectfully return it to the Senate, in order that it may be there "perfected," and finally acted on, before the concurrence of that House is required. And the message having been read, on motion of Mr. Wilson, it was ordered to lie on the table.

Mr. Allen presented the following resolution, to wit:

*Resolved*, as the sense of this House, that blanks in a bill, not affecting its principles, do not render it imperfect within the spirit and meaning of the first joint rule for the government of the two Houses.

Which was read and adopted—aye 44, noes 13. The ayes and noes being demanded by Mr. Underwood, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Barnes, Beasley, Bell, Boddie, Brower, Burgin, Cowper, Davenport, Davis, Etheridge, Harris, Hinton of B. Hoke, Johnson, M'Daniel, M'Kay, M'Diarmid, M'Farland, M'Neill, Marshall, Martin, Matthews, Miller, Mitchell, Montgomery of O. Moore, Mosely, Pool, Ramsey, Riddick, Sanderson, Spaight, Sherard, Smith, Underwood, Walton, Ward, Wellborn, Welch, Williams of Franklin, Williams of M. Wilson.

Those who voted in the negative, are Messrs. Allison, Burney, Davidson, Dick, Franklin, Hinton of Wake, Love, M'Entire, Meares, Melchor, Montgomery of H. Moye, Sneed.

On motion of Mr. Allen, ordered that a message be sent to the House of Commons, stating that it is the opinion of the Senate, that blanks in a bill do not render it imperfect within the spirit and meaning of the first joint rule for the government of the two Houses. For this reason, the Senate beg leave respectfully to return to the House of Commons "the bill to establish a Bank on behalf of, and for the benefit of the State."

And the Senate then adjourned until this afternoon, 4 o'clock.

WEDNESDAY EVENING, 4 o'clock, DECEMBER 30, 1829.

Mr. Matthews presented the following resolution, to wit:

*Resolved*, That the joint select committee on so much of the Governor's message as relates to the claim of this State against the United States, to whom was referred the report of the commissioners appointed by resolution at the last session of the General Assembly to examine in all the old standing accounts on the Comptroller's books, be, and they are hereby instructed to inquire what compensation the said Commissioners are entitled to for that service; and that the committee report by bill or resolution.

And the said resolution having been read, on motion of Mr. Davidson, ordered that it lie on the table.



The engrossed bill to repeal an act, passed in 1828, appointing commissioners on the road from Wantauga, in Ashe county, to the head of Johns' river, in Burke county, was read the second time. Mr. Mitchell moved to amend the bill by striking out all thereof, except the enacting clause, and inserting the following, to wit: "As soon as the Commissioners, appointed by an act, passed 1828, chap. 56, shall adjudge that the overseers appointed by them for opening the road from the head of Johns' river, in Burke county, to the widow Shall's, in Ashe county, have performed their duty in completing the said road, it shall be the duty of the said commissioners to report that fact to the county courts of Burke and Ashe counties.

"And be it further enacted, that the courts of the said counties shall provide for keeping the parts of the said road that lie within their respective counties, in repair, by the appointment of overseers, and designating the hands to work the same.

"And be it further enacted, that the laws now in force concerning the roads of Ashe and Burke, shall be in force in relation to the aforesaid road;" and to amend the caption so as to correspond therewith; which amendments were agreed to; and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to alter the times of holding the elections in the 6th Congressional district, was read the third time. Mr. Davis moved to amend the bill, by striking out the words "Friday before the first Monday in August," and inserting the words the "second Thursday in August;" which amendment was not agreed to. Mr. Sneed moved further to amend the bill, by striking out the words "in each and every year," at the end of the bill; which amendment was agreed to. Mr. Davis moved that the bill be indefinitely postponed; which was not agreed to; and the bill, as amended, was read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendment.

The resolution in favor of Isaiah Rogerson, sheriff of Perquimons county, was read the third time and passed, and ordered to be engrossed.

The bill to divide the regiment of militia in Macon county, was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, passed A. D. 1828, concerning the county of Macon, was read the second time and passed, and, on motion of Mr. Love, ordered to lie on the table.

The bill more effectually to prevent the depredations of runaway slaves, and to encourage their apprehension in the counties therein mentioned, was read the third time. Mr. Dickinson moved to amend the bill by striking out the word "fifteen," in the fifth line of the second section, and inserting the word "twenty;" which amendment was agreed to. Mr. Miller moved further to amend the bill, by striking out the words "weapon of defence," in the ninth line of the second sec-



tion, and inserting the words "fire arms;" which amendment was not agreed to. Mr. Montgomery, of H. moved further to amend the bill by striking out the word "Hertford;" and Mr. Cowper moved further to amend the bill, by striking out the word "Gates;" which amendments were agreed to; and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The bill to prevent disfiguring the walls of the State House, was read the second time and passed.

Received from the House of Commons a message, stating that they concur in the amendments made by the Senate to the engrossed bill to prevent the falling of timber in, or obstructing the run of Rocky river, in a portion of the county of Chatham. Ordered that the said bill be enrolled.

Received from the House of Commons a message, stating that they have rejected the recommendation of the Senate of Frederick Fentriss, as a justice of the peace for Guilford county.

A message was also received from the House of Commons, stating that they have passed the engrossed bill to provide for the permanent establishment of a public road from Lincoln to Rutherfordton, with an amendment, to wit: In the eighth line of the first section, strike out the word "next," and insert "1830;" in which they ask the concurrence of the Senate. Whereupon the said amendments were agreed to, and the House of Commons informed thereof by message.

Received also a message from the House of Commons, stating that they have passed the engrossed bill to authorise Andrew Welch and William Thomas, of the county of Macon, to erect certain gates therein mentioned, with an amendment, to wit: After the word "river," in the twelfth line, add the words "which gates, when erected, shall be under the same rules and regulations, and be subject to the same tax as other gates across public roads in this State;" in which they ask the concurrence of the Senate. Whereupon the said amendment was read and agreed to, and the House of Commons were informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to exempt certain persons in the county of Hyde from serving as jurors of the original pannel; a bill to establish a poor-house in the county of Nash, and for other purposes; a bill to authorise the county court of Duplin to purchase certain lands; a bill concerning a troop of cavalry in Burke, Wilkes and Iredell; a bill concerning the cross canal, leading from the great Dismal Swamp canal, near the head of the woods in Camden county, to the White Oak Spring Marsh, in Gates county; a bill to repeal part of an act, passed in the year 1819, chap. 45, entitled an act to amend the laws now in force respecting the town of Edenton; a bill to amend an act, passed A. D. 1827, providing for the incorporation of the town of Lexington, in the county of Davidson; a bill concerning the working



on roads in the county of Lincoln; a bill to repeal an act, passed A. D. 1828-'29, entitled an act concerning the appointment of coopers in the town of Wilmington, and for other purposes; a bill to extend the provisions of an act, passed A. D. 1828, entitled an act supplemental to an act to erect that part of Haywood, commonly called the Cherokee purchase, into a separate and distinct county; a bill concerning the Buncombe turnpike road; a bill to incorporate the Salisbury Vigilant Fire Company; a bill to amend an act, passed in the year 1825, entitled an act to prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county; a bill to amend the second section of an act, passed in the year 1815, chapter 893, relative to the cleansing of lots in the town of Edenton; a bill to incorporate Lincoln Academy, in Beaufort county; a bill to authorise the Courts of Pleas and Quarter Sessions of New Hanover to appoint a committee of Finance; a bill for the purpose of preventing a nuisance in the town of Tarborough; and a bill concerning the payment of jurors in the county of Martin. Whereupon the said bills were severally read the first time and passed, except the last mentioned bill; which was, on motion of Mr. Sneed, ordered to lie on the table.

The following engrossed bills, to wit: The bill to authorise the County Court of Duplin to purchase certain lands; the bill to authorise the Courts of Pleas and Quarter Sessions of New Hanover to appoint a committee of Finance; and the bill for the purpose of preventing a nuisance in the town of Tarborough, were severally read the second time and passed, and the last mentioned bill, was, on motion of Mr. Matthews, ordered to lie on the table.

The following engrossed bills, to wit: The bill to exempt certain persons in the county of Hyde from serving as jurors of the original panel; the bill to establish a poor house in Nash county, and for other purposes; the bill to repeal part of an act, passed in the year 1819, chapter 45, entitled an act to amend the laws now in force respecting the town of Edenton; the bill to extend the provisions of an act, passed A. D. 1828, entitled an act supplemental to an act to erect that part of Haywood, commonly called the Cherokee purchase, into a separate and distinct county; the bill to incorporate the Salisbury Vigilant Fire Company; the bill to amend an act, passed in the year 1825, entitled an act to prevent the falling of timber in, and obstructing the run of Brown creek, in Anson county; the bill to amend the second section of an act, passed in the year 1815, chapter 893, relative to the cleansing of lots, &c. in the town of Edenton; and the bill to incorporate Lincoln Academy, in Beaufort county, were severally read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons the resignation of Marsden Campbell, a member of the Board of Internal Improvements, endorsed in that House, "read and accepted;" and which was read and accepted by the Senate.

And the Senate then adjourned till to-morrow morning, 10 o'clock.



THURSDAY, DECEMBER 31 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to divide the regiment of militia in Macon county; a bill to compel the Register and Clerk and Master in Equity in the county of Caswell to keep their offices at the court house of said county; and a bill for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes; also the engrossed resolution in favor of Isaiah Rogerson, sheriff of Perquimous county; in which they ask the concurrence of the House of Commons.

Received from the House of Commons a message, proposing to ballot immediately for a lieutenant colonel of cavalry attached to the 11th brigade, and stating that William Greer and Robt. J. Kirkpatrick are in nomination for the appointment; which proposition was agreed to, and Messrs. Williams, of Martin, and Dickinson were appointed to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message. Whereupon a message was received from the House of Commons, stating that Messrs. Barringer and E. Alexander are appointed a committee to conduct the balloting on their part.

On motion of Mr. Montgomery, of Hertford, ordered that a message be sent to the House of Commons, proposing to ballot immediately for a Board of Internal Improvements for the ensuing year.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend and improve the Hickory Nut Gap road; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

The resolution in favor of Alexander Nicholson, was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Allison, the Senate proceeded to consider the bill to authorise and direct the Supreme Court to be holden in the several places therein directed; and the bill being read the third time, Mr. Marshall moved to strike out the word "Statesville" in the first section, and insert the word "Salisbury;" which was not agreed to. Mr. Hoke moved further to amend the bill by striking out the word "Statesville." and insert "Lincolnton;" which amendment was not agreed to. Mr. M'Kay moved further to amend the bill by inserting the word "Bladen" in the second section; which amendment was agreed to. Mr. Montgomery, of Orange, moved further to amend the bill by inserting the words "or more," after the word "weeks" in the first and second sections; which amendment was not agreed to; and the question then recurring on the passage of the bill the third time, as amended, it was determined in the affirmative—ayes 37, noes 22. The ayes and noes being demanded by Mr. Matthews, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Burgin, Crump, Davidson, Dick, Dickinson, Etheredge, Franklin, Harris, Hinton, of B. Hoke, J. Ineson, Love, M'Daniel, M'Kay, M'Darrmaid, M'Entire, M'Farland, M'Neil, Marshall, Martin, Miller,



Meares, Melchor, Mitchell, Moore, Mosely, Rainey, Saunderson, Spaight, Sherard, Smith, West, Wellborn, Welch, Williams of F.

Those who voted in the negative, are Messrs. Askew, Barnes, Boddie, Brasly, Bell, Brewer, Burney, Gower, Davenport, Davis, Hinton, W. Matthews, Montgomery of H. Montgomery of O. Moye, Pool, Riddick, Sneed, Underwood, Walton, Williams of M. Wilson.

The bill to alter the times of holding the Superior Court of Law and Equity in the third judicial circuit, was read the second time, and, on motion of Mr. Williams of M. ordered that a message be sent to the House of Commons, proposing to refer the said bill to a joint select committee, consisting of the members of the third judicial circuit.

The bill to amend an act, passed A. D. 1828, concerning the county of Macon, was read the third time. Mr. Love moved to amend the bill, by adding the following proviso at the end thereof, to wit: "Provided, that not more than twelve jurors shall be summoned from the county of Macon;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to ballot immediately for a Board of Internal Improvement, and stating that the names of Joseph Dozier, James Morgan, Cadwallader Jones and David L. Swain are in nomination for the appointment; and informing that Messrs. O'Brien and Joseph A. Hill attend the Senate to conduct the balloting on their part. Whereon, on motion of Mr. Matthews, the name of Andrew Joyner was added to the nomination, and a message was sent to the House of Commons, informing them thereof, and stating that Messrs. Mitchell and Mosely attend that House to conduct the balloting on the part of the Senate.

The resolution in favor of John Black, sheriff of Cumberland county, was read the third time and passed, and ordered to be engrossed.

The bill more effectually to prevent injury to stock, was read the second time, and, on motion of Mr. Hoke, ordered that the said bill be postponed indefinitely.

The resolution in favor of David Graybeal was read the second time and passed.

The bill to provide for the collection of debts in certain cases, was read the second time. Mr. Dick moved to amend the bill by inserting the words "executed after the first day of May next," after the word "note" in the 13th line of the first section; which amendment was agreed to. Mr. Dick moved further to amend the bill by inserting the same words after the word "note" in the 24th line, in the same section; which amendment was agreed to. Mr. Dick moved further to amend the bill by inserting the words "with sufficient security," after the word "bond" in the thirty second line of the same section; which amendment was agreed to, and the bill, as amended, being read the second time, on motion of Mr. Meares, it was ordered to be postponed indefinitely—ayes 27, noes 27. The ayes and noes being equal, the Speaker voted with the ayes, and decided the question in the affirmative. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:



Those who voted in the affirmative, are Messrs. Allison, Barnes, Beasley, Boddie, Davenport, Davis, Dickinson, Etheredge, Franklin, Harris, Hinton of W. Hinton of B. M'Daniel, M'Farland, Martin, Matthews, Meares, Montgomery of H. Moye, Riddick, Spaight, Sherard, Sneed, Underwood, Wellborn, Williams of M. Wilson.

Those who voted in the negative, are Messrs. Allen, Bell, Brower, Burney, Cowper, Crump, Davidson, Dick, Hoke, Johnson, Love, M'Kay, M'Diarmid, M'Enire, M'Neill, Marshall, Melchor, Montgomery of O. Moore, Pool, Ramey, Ramsey, Saunderson, Smith, Walton, Ward, Welch.

Mr. Mitchell, from the committee appointed to conduct the balloting for a Board of Internal Improvement, reported that Cadwallader Jones and David L. Swain, having received a majority of votes, are duly elected and that no other person in nomination had a majority of votes; in which report the Senate concurred.

Mr. Williams of M. from the committee appointed to conduct the balloting for a lieutenant colonel of cavalry of the 11th brigade, reported that William Greer, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Dickinson moved to reconsider the vote taken on to-day on the indefinite postponement of the bill more effectually to prevent injury to stock; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative.

The bill fixing the fees of the County and Superior Court Clerks and sheriffs' fees was read the third time. Mr. Dick moved to amend the bill by inserting the following words: "and shall not tax an attorney's fee" at the end of the third section; which amendment was agreed to. Mr. M'Kay moved further to amend the bill by inserting the following words in the sixth section, to wit: "for serving copy of declaration 10 cents;" which amendment was agreed to. Mr. M'Kay moved further to amend the bill in the same section, by inserting the following, to wit: "and if further trouble by moving of goods to be taxed by the court;" which amendment was agreed to. Mr. Boddie moved further to amend the bill by adding the following proviso at the end of the fifth section, to wit: "provided further, that the provisions of this section shall not extend to the county of Nash;" which amendment was agreed to. Mr. Meares moved further to amend the bill by inserting the following words after the word "subpoena" in the sixth section, to wit: "served on each person named therein;" which amendment was agreed to. Mr. Sneed moved further to amend the bill by inserting the following words in the first section, to wit: "for issuing vendition on justice's judgment levied on land affirmed in court, and recording the papers as required by law, seventy-five cents;" which amendment was not agreed to. Mr. Sneed moved further to amend the bill by striking out the word "twenty" in the nineteenth line of the sixth section, and insert the word "ten;" which amendment was agreed to. Mr. Dickinson moved further to amend the bill by adding the following words at the end of the seventh section, to wit: "nor any other fees than those allowed by law to constables for similar services;" which amendment was agreed to. Mr. Hinton, of Wake, moved further to amend the bill by striking out the words "two cents per mile for said guard" in the sixth section; which amendment was not agreed to. Mr. Meares moved further to amend the bill by inserting the following words in the sixth section, to wit: "for maintaining any slave or any animal seized by virtue of any legal precept, such sum as may be fixed by the County Court in each county in the State;"



which amendment was agreed to. Mr. M'Kay moved further to amend the bill by inserting the following words in the sixth section, to wit: "for summoning commissioners to divide real estate and for qualifying them, thirty cents each, to be paid in equal portions by the claimants;" which amendment was agreed to. Mr. Sneed moved further to amend the bill by inserting the following words in the sixth section, to wit: "the fees for keeping criminals in jail per day, to be allowed by each County Court as now directed by law;" which amendment was agreed to. Mr. Hinton, of Beaufort, moved further to amend the bill by inserting the following words after the word "pay" in the sixth line of the 5th section, to wit: "the following taxes, to wit: one dollar upon each and every case in the Superior Court, and fifty cents upon each and every case in the County Courts;" which amendment was not agreed to. Mr. Hinton, of Beaufort, moved further to amend the bill by adding the following as an additional section, to wit: "And be it further enacted, that nothing herein contained shall be construed as to prevent the several County Courts of this State from making just and reasonable allowances to their sheriffs and clerks for performing what has been heretofore called extra services, and it is hereby made the duty of said courts to make such allowances to the clerks aforesaid." Mr. Meares moved to amend the amendment by striking out all thereof after the word "services" and inserting the following words: "as now authorised by law;" which amendment was agreed to. The question then recurring on the adoption of the original amendment, as amended, it was determined in the affirmative. Mr. Wellborn moved further to amend the bill by adding the following proviso, at the end thereof, to wit: "Provided nevertheless, that the provisions of this act shall not affect any private act, passed for any county in this State, in relation to the fees of clerks and sheriffs;" which amendment was agreed to. Mr. Dickinson moved further to amend the bill by inserting the words "in judicial proceedings," after the word "record" in the first section; which amendment was not agreed to. Mr. Montgomery, of Orange, moved further to amend the bill by striking out the word "twenty" after the word "record" in the first section, and insert the word "ten;" and further, to strike out the word "ten" after the word "and" in the same section, and insert the word "five;" which amendment was agreed to. Mr. Dickinson moved further to amend the bill by striking out the words "the same as Clerk and Master in Equity" in the first section, and inserting the words "such sum as the court may allow;" which amendment was agreed to; and the bill being read the third time as amended, Mr. Dickinson moved that the bill be indefinitely postponed; which was not agreed to—yeas 7, nays 43. The yeas and noes being demanded by Mr. Sherard, are as follows, to wit:

Those who voted in the affirmative, are Messrs Askew, Davenport, Davis, Dickinson, Hinton of B. Moye, Sherard.

Those who voted in the negative, are Messrs. Allen, Allison, Barnes, Bell, Boddie, Brower, Cowper, Davidson, Dick, Etheredge, Harris, Hinton of W. Hoke, Johnson, Love, M'Daniel, M'Kay, M'Entire, M'Farland, Marshall, Martin, Matthews, Meares, Melchor, Mitchell, Montgomery of H. Montgomery of O. Moore, Mosely, Pool, Ramsey, Riddick, Saunderson, Spaight, Sneed, Smith, Underwood, Walton, Wellborn, Ward, Welch, Williams of M. Wilson.

The question then recurring on the passage of the bill the third time, it was determined in the affirmative, and it was ordered to be engrossed.

And the Senate then adjourned until 5 o'clock, this afternoon.



## THURSDAY EVENING, 5 o'clock.

The engrossed bill concerning the Buncombe Turnpike Road, was read the second time. Mr. Allen moved to amend the bill by adding the following words at the end thereof, to wit: "east of the mouth of Ivey creek;" which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to repeal an act, passed A. D. 1828-'29, entitled an act concerning the appointment of coopers in the town of Wilmington, and for other purposes, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill concerning the working on roads in the county of Lincoln; and the engrossed bill concerning a troop of cavalry in Burke, Wilkes and Iredell, were read the second time and ordered to be postponed indefinitely.

Received from the House of Commons a message, stating that they concur in the amendments made in the Senate in the engrossed bill concerning the elections in the counties of Davidson and Mecklenburg. Whereupon the said bill was ordered to be enrolled.

The bill to authorise the Courts of Pleas and Quarter Sessions of New Hanover to appoint a committee of finance, was read the third time. Mr. Ward moved to amend the bill by extending its provisions to the county of Onslow; which amendment was agreed to. Mr. Meares moved further to amend the bill by inserting in the first section, after the word "thirty," the words "or at any subsequent court;" and further to amend the bill by striking out the words "and at the rate of one dollar for every thirty miles travelling to and from the place appointed for the attendance of said committee;" and further to amend the bill in the 12th line of the second section by inserting after the word "June," the words "in New Hanover, and May in Onslow;" and further to amend the bill in the 8th section by striking out the words "send for persons and papers," and inserting the words "issue subpoenas and subpoenas duces tecum;" and further to amend the bill by striking out the word "notified," and inserting the word "summoned;" and in the ninth section, after the word "aforesaid" insert the words "or their securities;" and also in the 10th section, strike out the word "once," and insert the words "one year;" which several amendments were agreed to, and the bill, as amended, was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Ward, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a member of the Board of Internal Improvement, and stating that the name of Thomas Cox is added to the nomination.

Received from the House of Commons a message, stating that they have passed the engrossed bill for the relief of James D. Justice, of the county of Buncombe, with an amendment, to wit: after the word "Treasurer," in the fifth line, add the words "within twelve months;" which amendment was agreed to by the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, agreeing to ballot immediately for a member of the Board of Internal Improvement, and stating



that Messrs. Graham and Blair attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Marshall and Bell were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

Mr. Mitchell, from the committee on Internal Improvements to whom was referred the resolution instructing them to inquire into the expediency of making an appropriation to construct a rail road from Fayetteville to Campbellton, made a report thereon, accompanied by a bill making an appropriation for a rail road from Campbellton to Fayetteville; which was read the first time and passed.

Mr. Bell from the committee appointed to conduct the balloting for a member of the Board of Internal Improvement, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

Received from the House of Commons the certificate of allowance of the County Court of Chowan in favor of Eleanor Trulove endorsed in that House "read and ordered to be countersigned by the Speaker of the House of Commons."

Received also from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: a bill to enable the Public Treasurer to employ the service of additional clerks; a bill amendatory of the laws now in force for the suppression of counterfeiting; a bill to exempt the members of the several fire companies in this State from mustering, and for other purposes; a bill to amend an act, passed in the year 1828, entitled an act concerning the poor of Moore county; a bill to authorise the appointment of commissioners to run and mark the dividing line between the counties of Haywood and Buncombe; a bill to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay off a turnpike road from the Lincoln line to James Loving's, passing through the Laurel Gap of the South Mountains, and for other purposes; a bill to repeal part of an act, passed in 1828, entitled an act for improving of the navigation of creeks and rivers in the county of Sampson, and of Black river, so far as it is the dividing line between the counties of Sampson and Cumberland; also the engrossed resolution for the Secretary of State; and the engrossed resolution in favor of Edward Ward, of Onslow county; in which they ask the concurrence of the Senate. Whereupon the said Bills were severally read the first time and passed, except the two last mentioned bills, which were ordered to be postponed indefinitely; and the resolutions were read and adopted and ordered to be enrolled.

The engrossed bill to amend an act, passed in the year 1828, entitled an act concerning the poor of Moore county; and the engrossed bill to authorise the appointment of commissioners to run and mark the dividing line between the counties of Haywood and Buncombe, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to exempt the members of the several fire companies in this State from mustering, and for other purposes, was read the second time. Mr. Ward moved to amend the bill by inserting, after the word "regiment," in the 6th line of the second section, the words "by the 15th day of October;" which amendment was agreed to. Mr. Montgomery, of Orange, moved further to amend the bill by inserting in the 5th line of the



first section, after the word "companies;" the words "so long as they shall continue members of said companies;" which amendment was agreed to, and the bill, as amended, was read the second time and passed.

Received from the House of Commons a message, stating that they concur in the amendments made by the Senate in the engrossed bill to alter the times of holding elections in the 6th Congressional district. Whereupon the said bill was ordered to be enrolled.

A message was also received from the House of Commons, stating that they agree to refer the bill to alter the times of holding the Superior Courts of Law and Equity in the 3d judicial circuit to the members from the counties composing said circuit.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution requesting our Representatives, and instructing our Senators in Congress to call the attention of Congress to the necessity and propriety of amending the laws of the United States in regard to the crime of counterfeiting the notes of the Bank of the United States, so as to embrace the several objects contemplated in said resolution; in which they ask the concurrence of the Senate. Whereupon the said resolution was read and adopted, and ordered to be enrolled.

Received also from the House of Commons a message from the Governor, transmitting a report and resolutions from the State of Vermont on the subject of amendments of the Constitution of the United States, the Tariff, the right of Congress to make appropriations for Internal Improvements, and for aiding the American Colonization Society; and the report and resolutions having been read, on motion of Mr. Spaight, ordered that they be laid upon the table.

Received from the House of Commons the resignation of John D. Toomer, as one of the Judges of the Supreme Court, endorsed in that house "read and accepted;" and which was read and accepted by the Senate.

A message was also received from the House of Commons, stating that a bill had been transmitted from the Senate to that House, entitled a bill for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes; in which the concurrence of that House is asked; and stating further, that, on inspection, it appears the said bill has not been perfected; for that in it a blank is not filled up. The House of Commons believing that the bill has been prematurely transmitted do respectfully return it to the Senate, in order that it may be there perfected and finally acted on before the concurrence of that House is required; and the message having been read, on motion of Mr. Meares, it was ordered to lie on the table.

And the Senate then adjourned until to-morrow, 10 o'clock.

#### FRIDAY, JANUARY 1 1830.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill more effectually to prevent depredations of runaway slaves, and to encourage their apprehension in the counties of Lenoir, Wayne, Craven, Onslow, New Hanover, Washington, Buncombe, Jones, Pitt, Beaufort and Greene; a bill to authorise and direct the Supreme Court to be holden at the several places therein directed; a bill to amend an act, passed A. D. 1828, entitled an act supplemental to an act erecting the county of Macon; also the engrossed



resolution in favor of Alexander Nicholson; and the engrossed resolution in favor of John Black, sheriff of Cumberland; in which they ask the concurrence of that House

The resolution directing the joint select committee on the claims of the State against the United States to inquire what compensation the commissioners who investigated those claims are entitled to, was taken up on motion of Mr. Davidson, read and adopted, and ordered to be engrossed.

The resolution requesting our Senators and Representatives in Congress to use their endeavours to procure an appropriation to open an inlet from the Albemarle Sound to the Ocean at or near Nagg's Head, together with the memorial addressed to the Congress of the United States on that subject, were taken up, on motion of Mr. Montgomery, of Hertford, and being read, were, on motion of Mr. McKay, ordered to be referred to the committee of the Whole House, to which is committed the resolution in regard to the powers of the General Government to make appropriations for purposes of Internal Improvement.

A motion was made by Mr. Franklin to reconsider the vote taken on yesterday on the indefinite postponement of the engrossed bill to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay off a road from the Lincoln line to James Loving's, passing through the Laurel Gap of the South Mountains, and for other purposes; and on the question will the Senate reconsider the said vote? it was determined in the affirmative and the bill was read the first time and passed.

The bill to divorce John Sloan from Elizabeth Sloan, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons the following message, to wit:

MR. SPEAKER,—The House of Commons cannot but regret that a difference of opinion should exist between the two Houses on the construction of the first Joint Rules of Order, and in its application to the bill, which has been a second time transmitted by the Senate, entitled "a bill to establish a Bank on behalf of, and for the benefit of the State;" while this House will always take pleasure in yielding to every expression of opinion on the part of the Senate the most respectful consideration; yet, as one of the parties of the compact by which the Joint Rules were formed, it cannot forego its claim to an equal share in the privilege of expounding them. Upon a deliberate re-examination, this House adheres to the opinion which it has heretofore expressed. By the first of the Joint Rules, it is agreed "that each house shall perfect and finally act on all bills before they shall be communicated to the other for concurrence." The House of Commons cannot regard a bill as *perfected*, which contains enactments that the president of a corporation thereby created shall be allowed an annual compensation of dollars, the cashier dollars, and each director dollars, for their respective services. The House of Commons is therefore compelled again to return the bill to the Senate, and to declare explicitly, but respectfully, its determination not to act on the bill in its present unfinished state.

And the said message having been read, on motion of Mr. Martin, it was ordered, together with the accompanying document, to lie on the table.

A motion was made by Mr. Davidson to suspend the 12th rule of the Senate, which requires that when a question has been once decided, it shall be in order for any member of the majority to move for a reconsideration thereof on the same or succeeding day, for the purpose of reconsidering the vote taken on the third reading of the bill to establish a bank on behalf of, and for the benefit of the State; and on the question will the Senate for that purpose suspend the said 12th rule? it was determined in the affirmative—yeas 40, nays 19. The yeas and noes being demanded by Mr. Williams, of F. are as follows, to wit:



Those who voted in the affirmative, are Messrs. Allen, Allison, Beasley, Bell, Brower, Burgin, Burney, Cowper, Crump, Davenport, Davidson, Dickinson, Etheridge, Franklin, Harris, Hinton of W. Hinton of B. Hoke, Johnson, Love, M'Kay, M'Farland, M'Neil, Marshall, Martin, Matthews, Melchor, Miller, Montgomery of O. Moore, Pool, Ramsey, Riddick, Sherard, Sneed, Underwood, Walton, Wellborn, Welch, Wilson.

Those who voted in the negative, are Messrs. Askew, Barnes, Boddie, Davis, Dick, M'Daniel, M'Entire, Meares, Mitchell, Montgomery of H. Mosely, Moye, Rainey, Saunderson, Spaight, Smith, Ward, Williams of F. Williams of M.

Mr. Davidson then moved to reconsider the bill to establish a Bank on behalf of, and for the benefit of the State; which motion was agreed to; and the bill being read the third time, Mr. Davidson moved to amend the bill by striking out from the commencement of the 20th section to the word "services," inclusive, in the 5th line of the said section, and inserting in lieu thereof the following, to wit: "The president, cashiers and directors shall be allowed an adequate compensation for their services, to be fixed by the next General Assembly;" which amendment was agreed to. The question then recurring on the passage of the bill the third time, as amended, it was determined in the affirmative—ayes 34 noes 22. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Bell, Brower, Burgin, Burney, Cowper, Crump, Davenport, Davidson, Dick, Etheridge, Harris, Hinton of B. Hoke, Johnson, Love, M'Daniel, M'Kay, M'Farland, Marshall, Martin, Matthews, Miller, Montgomery of O. Moore, Pool, Riddick, Sherard, Underwood, Walton, Wellborn, Welch, Wilson.

Those who voted in the negative, are Messrs. Barnes, Boddie, Davis, Dickinson, Franklin, Hinton of W. M'Diarmid, M'Entire, Meares, Melchor, Mitchell, Montgomery of H. Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Williams of F. Williams of M.

The Senate then adjourned until half past 3 o'clock, this afternoon.

FRIDAY EVENING, half past 3 o'clock, JANUARY 1, 1830.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill fixing the fees of the clerks of the County and Superior Courts and sheriffs' fees; in which they ask the concurrence of that House.

Mr. Rainey presented a bill requiring the register of the county of Caswell to keep his office at the court house, or within one mile thereof; which was read the first and second times and passed; and being read the third time, Mr. Sneed moved to amend the bill by striking out the words "and fined at the discretion of the court;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

Mr. Williams, of Martin, from the joint select committee on the Public Buildings, made a report thereon, accompanied by a bill to provide for the repairs of the State House and Arsenal, which was read the first time and passed.

The resolution in favor of David Graybea, was read the third time and passed, and ordered to be engrossed.

The resolution in favor of Merritt Hutchins; the resolution in favor of Ezekiel Ellis; and the resolution in favor of Benjamin H. Blount, were severally read the second and third times and passed, and ordered to be engrossed.

The resolution in favor of Thomas Walker, of Mecklenburg county, was read the second time, and resolved that the same shall not pass.

The resolution instructing our Senators, and requesting our Representa-



tives in Congress, to use their endeavors to procure the repeal of the tax on salt, was read and adopted, and ordered to be engrossed.

The resolution instructing our Senators, and requesting our Representatives in Congress, to use their endeavors to procure the extinguishment of all the Indian claims to lands in this State, was read, and, on motion of Mr. Meares, ordered that the said resolution be postponed until the first day of June next.

Mr. Boddie presented the resignation of Duncan York, a justice of the peace for the county of Nash; which was read and accepted, and ordered to be sent to the House of Commons.

The bill to ascertain the number of maniacs, lunatics and persons non compos mentis within this State, was read the second time. Mr. Sneed moved to amend the bill by extending its provisions so as to embrace the deaf and dumb persons within this State; which amendment was agreed to, and the bill, as amended, was, on motion of Mr. Bell, ordered to be postponed until the 1st day of June next.

On motion of Mr. Bell, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a member of the Board of Internal Improvement.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill vesting certain powers in the Court of Pleas and Quarter Sessions for Edgecomb county.

The bill concerning the distribution of the public arms to certain police authorities herein specified, and in case of insurrection or invasion, and for other purposes, was read the second time. Mr. M'Kay moved to amend the bill by striking out the word "assurances," in the ninth line of the second section, and inserting the words "bond with sufficient security;" which amendment was not agreed to; and the bill, as amended, was read the second time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Presley C. Person, with several amendments, to wit: strike out the word "said," in the second line, and after the words "Presley C. Person" in said line, insert the words "late sheriff of Franklin county;" strike out the word "so" in the third line, and insert after the word "incurred" the words "by his failing to settle with the Public Treasurer by the 1st of October;" in which they ask the concurrence of the Senate. Whereupon the said several amendments were read and agreed to by the Senate, and the House of Commons were informed thereof by message.

The engrossed bill concerning commissioners, &c. of Public Works, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, agreeing to ballot immediately for a member of the Board of Internal Improvement, and stating that Messrs. Graham and Blair attend the Senate to superintend the balloting on the part of that House. Whereupon Messrs. Montgomery of Orange and Dickinson were appointed to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

The bill to prevent protracted and vexatious litigation by enlarging the jurisdiction of justices of the peace out of court, was read the second time, and, on motion of Mr. Barnes, ordered to be postponed indefinitely.



**On motion of Mr. Meares,**

*Resolved,* That a message be sent to the House of Commons, proposing so to alter the 7th section of the Joint Rules for both Houses as to require the joint committee appointed to examine enrolled bills to consist of eight members from the House of Commons and four members from the Senate, instead of the numbers now prescribed by said Joint Rules.

The bill giving females covert the right of suing and being sued, was read the second time and passed.

The bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift, was read the second time and passed.

On motion of Mr. Pool, the Senate proceeded to consider the message received from the House of Commons on yesterday, returning to the Senate a bill for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes. Mr. Meares moved to postpone the further consideration of the said message until the 1st day of June next; which was not agreed to; and, on motion of Mr. Pool, ordered that a message be sent to the House of Commons, stating that it is the opinion of the Senate that the blank in said bill does not render it imperfect within the spirit and meaning of the 1st Joint Rule for the government of the two Houses, and for that reason the Senate beg leave respectfully to return the said bill to the House of Commons.

On motion of Mr. Martin, ordered that the bill to establish a Bank on behalf of, and for the benefit of the State, be returned to the House of Commons, accompanied by the following message, to wit:

MR. SPEAKER,—Although the Senate strictly adhere to their opinion as expressed in their message to the House of Commons of the date of the 31st December, 1829, on the application of the term "perfect," as used in the Joint Rules of Order; yet, rather than that a bill of primary importance to the State (having occupied much of the time of the Senate) should be lost from a difference of opinion on the construction of said rule by a co-ordinate branch of the Legislature, they have rescinded the 12th Rule for the government of this House, so far as relates to the "bill establishing a Bank on behalf of, and for the benefit of the State," have taken the said bill again under consideration, amended the same, and herewith transmit it for the concurrence of the House of Commons.

And the Senate then adjourned until to-morrow, 10 o'clock.

**SATURDAY, JANUARY 2, 1830.**

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to divorce John Sloan from Elizabeth Sloan; a bill requiring the Register of the county of Caswell to keep his office at the court-house in said county, or within one mile thereof; and also the following engrossed resolutions, to wit: A resolution in favor of Meritt Hutchins; a resolution in favor of Ezekiel Ellis; a resolution in favor of David Graybeal; a resolution in favor of Benjamin H. Blount; a resolution instructing our Senators, and requesting our Representatives in Congress, to use their endeavors to procure a repeal of the salt tax; and a resolution for the select joint committee on the claims of the State against the United States; in which they ask the concurrence of the House of Commons.

Received from the House of Commons a message, proposing to ballot im-



mediately for artillery officers, and stating that the following persons are in nomination, to wit: Samuel T. Hawley, as colonel commandant; Jesse Birdsall, as lieutenant colonel; and William Brown, as major; which proposition was agreed to, and Messrs. M'Neill and Burney were appointed to conduct the balloting on the part of the Senate.

On motion of Mr. Montgomery, of Hertford,

*Resolved*, That the clerk of the Senate be instructed to include in the certificate of allowance to Collin W. Barnes, Senator from Northampton, such number of days as he was necessarily detained from the service of the Senate by sickness.

Mr. Meares presented the following resolution:

*Resolved*, That the sum of \$15 50 cents be allowed to Gabriel Holmes, jun. sheriff of New Hanover county, for settling his public accounts for the taxes of 1828, and the further sum of \$2 50 cents for comparing the poll of the 5th Congressional district, to fill the vacancy occasioned by the death of the Hon. Gabriel Holmes, and that the Treasurer pay the same.

Which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Bateman and Arrington attend the Senate as superintendents of the balloting for artillery officers, on the part of that House.

The bill to enable the Treasurer to employ the service of additional clerks, was read the second time. Mr. Meares moved to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, that the Comptroller of this State, in addition to the sum heretofore allowed him, be allowed an additional sum not exceeding the sum of \$300, to employ a clerk in his office, to be paid out of the Treasury, in quarterly payments, on warrants to be drawn by the Governor of the State." Mr. Askew moved to amend the amendment by striking out the words "three hundred," and inserting "two hundred and fifty;" which amendment was not agreed to. The question then recurring on the adoption of the original amendment, it was decided in the affirmative; and the bill, as amended, being read the second time, it was resolved that the same shall not pass—yeas 29, noes 30. The yeas and noes being demanded by Mr. Moyer, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Barnes, Beasley, Burney, Dick, Dickinson, Franklin, Hinton of W. Hinton of B. Johnson, Love, M'Daniel, M'Diarmid, M'Farland, Martin, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of H. Mosely, Rainey, Saunderson, Spaight, Sneed, Williams of F. Williams of M.

Those who voted in the negative, are Messrs. Allison, Bell, Boddie, Brower, Burgin, Cowper, Crump, Davenport, Davidson, Davis, Etheredge, Harris, Hoke, M'Kay, M'Entire, M'Neill, Marshall, Montgomery of O. Moore, Moyer, Pool, Ramsey, Riddick, Sherard, Smith, Underwood, Walton, Wellborn, Welch, Wilson.

Mr. Montgomery of Orange, from the committee appointed to conduct the balloting for a Board of Internal Improvement, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Montgomery, of Hertford, ordered that a message be sent to the House of Commons, proposing that another balloting be had immediately for a member of the Board of Internal Improvement.

Mr. Brower presented a bill amendatory of the several acts heretofore passed, appointing commissioners for the town of Ashborough, in Randolph county, and for the better regulation of the police thereof; which was read the first, second and third times, and ordered to be engrossed.

Mr. M'Neill, from the committee appointed to conduct the balloting for artillery officers, reported that Samuel F. Hawley is duly elected colonel commandant; Jesse Birdsall, lieutenant colonel, and William Brown, major; in which report the Senate concurred.



Mr. Askew presented the following resolution, to wit:

*Resolved*, That this Legislature adjourn on Thursday, the 7th day of January, 1830,  
*sine die*.

And the resolution having been read, on motion of Mr. M'Kay, it was ordered to lie on the table.

Mr. M'Kay presented the following preamble and resolution, to wit:

Whereas the practice which prevails in all or most of the Superior Courts of this State, of doing no business, or very little, on the first day of their terms, though parties and their witnesses are in attendance, the latter according to the process of the courts, tends to produce great delay and expense in the administration of justice: Therefore

*Resolved*, That the committee on the Judiciary be, and they are hereby instructed to inquire into the expediency of requiring said courts to proceed regularly to business, on some one of their dockets, on the first day of their term; or if that provision be deemed inexpedient, that said committee then inquire into the propriety of not requiring witnesses to attend until the second day of said terms, and to be paid accordingly.

*Resolved further*, That said committee be, and they are hereby instructed to inquire into the expediency of requiring the several Courts of Pleas and Quarter Sessions to designate some one or more days, in their terms, on which county and other business, not needing the intervention of a jury, shall be done; and that the jurors and witnesses be summoned to attend on the next succeeding day, and to be paid accordingly.

On motion of Mr. Montgomery, of Hertford, the Senate resolved itself into a committee of the whole House, Mr. Hinton, of Wake, in the chair, to take into consideration the resolution in relation to the powers of Congress to make improvements of national concern; also the resolution concerning the opening of an outlet from the Albemarle Sound to the ocean; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Hinton, of Wake, reported that the committee of the whole had had the said resolution under consideration, and had made some progress therein; and not having sufficient time to go through the same, had instructed him to ask leave to sit again; and on the question, Shall the committee have leave to sit again? it was determined in the affirmative.

On motion of Mr. Montgomery, of Hertford, ordered that Collin W. Barnes, the Senator from the county of Northampton, have leave of absence from and after Monday next, for the remainder of the session.

And the Senate then adjourned until this afternoon, half after 4 o'clock.

SATURDAY EVENING, half past 4 o'clock.

Received from the House of Commons a message, agreeing to ballot immediately for a member of the Board of Internal Improvement, and stating that Messrs. M'Millan and Little attend the Senate as superintendents of the balloting on the part of that House. Whereupon Messrs. Moyer and Melchor were appointed to conduct the balloting on the part of the Senate, and the House of Commons were informed thereof by message.

A motion was made by Mr. Meares to reconsider the vote taken on yesterday, on the rejection of the resolution in favor of Thomas Walker, of Mecklenburg county; and on the question, Will the Senate reconsider the said vote? it was determined in the affirmative; and the resolution was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to authorise Thomas L. Cowan, of the county of Rowan, to erect certain gates therein mentioned, was read the second and third times and passed, and ordered to be enrolled.

Mr. Hinton, of Wake, presented the following resolution, to wit:



*Resolved*, That the Public Treasurer be directed to pay to William Thompson the sum of twenty dollars and eighty cents, for crape furnished this Legislature the present session, and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed

On motion of Mr. Hinton, of Wake, ordered that a message be sent to the House of Commons, proposing that the joint select committee, to which was referred the bill to alter the time of holding the Superior Court of Law and Equity in the third Judicial circuit, be discharged from the further consideration of the subject.

The bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale, and deeds of gift, was read the third time. Mr. M'Kay moved to amend the bill by striking out the words "two years," in the 16th line, and inserting the words "ten months;" which amendment was not agreed to; and the bill was read the third time and passed, and ordered to be engrossed.

Mr. Melchor, from the committee appointed to conduct the balloting for a member of the Board of Internal Improvement, reported that James Morgan, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. M'Kay presented the following preamble and resolution, to wit:

Whereas by an act, passed in the year 1815, concerning the navigation of the Cape Fear river, it is provided that the rights, privileges and franchises of the Deep and Haw River Navigation Company shall extend from the sources of the several rivers and creeks running into the Cape Fear river, to the mouth of said river: And whereas it is alleged that no improvements have been made on said rivers and creeks, running into the Cape Fear, or probably can be made, as the funds of the Company are wholly inadequate to that object: Therefore

*Resolved*, That the committee on Internal Improvement be, and they are hereby instructed to inquire into the expediency of directing the Board of Internal Improvement to procure from said Company a deed of surrender of all rights, privileges and franchises, in and to said lateral rivers and creeks.

Which was read and adopted.

The bill giving femes covert the right of suing and being sued, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to provide for a division of negroes and other chattel property held in common, was read the third time and passed, and ordered to be enrolled.

And the Senate then adjourned until Monday morning, 10 o'clock.

#### MONDAY, JANUARY 4, 1830.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to extend the time of registering grants and mesne conveyances, powers of attorney, bills of sales and deeds of gift; a bill giving femes covert the right of suing and being sued; and a bill amendatory of the several acts heretofore passed, appointing commissioners for the town of Ashborough, in Randolph county, and for the better regulation of the police thereof; in which they ask the concurrence of the House of Commons.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825 with an amendment, to wit: strike out the whole of the said bill and insert the bill marked A; and the said amendment being read, Mr. Love moved to a-



mend the amendment by inserting the following words after the word "purchase" in the fifth line of the second section, to wit: "or the injuries they may have sustained in consequence of such suits, and the delays and perplexities arising therefrom;" which amendment was agreed to; and the question recurring on the amendment proposed by the House of Commons, it was determined in the affirmative, and the House of Commons were informed thereof by message.

The bill to regulate the fisheries of Tar and Pamlico rivers, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to amend and improve the Hickory Nut Gap road, was read the second and third times and passed, and ordered to be enrolled.

A motion was made by Mr Davidson to reconsider the vote taken on Saturday last, on the rejection of the engrossed bill to enable the Public Treasurer to employ the service of additional clerks, and on the question will the Senate reconsider the said vote? it was determined in the affirmative—yeas 30, nays 27. The ayes and noes being demanded by Mr M'Kay, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Beasley, Davidson, Davis, Dick, Dickinson, Franklin, Hinton of W Hinton of B. Johnson, Love, M'Diarmid, M'Entire, M'Farland, Martin, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of H Moore, Rainey, Saunderson, Sneed, Smith, Williams of F. Williams of M. Wilson.

Those who voted in the negative, are Messrs. Allison, Bell, Brower, Burgin, Burney, Cowper, Crump, Davenport. Etheredge, Harris, Hoke, M'Daniel, M'Kay, M'Neill, Marshall, Montgomery of O. Mosely, Moye, Pool, Ramsey, Riddick, Sherard, Underwood, Walton, Wellborn, Welch.

The bill being read the second time, on motion of Mr. Montgomery, of Orange, it was ordered that the said bill be indefinitely postponed—yeas 30, nays 28. The ayes and noes being demanded by Mr. Montgomery, of O. are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allison, Bell, Boddie, Brower, Burgin, Burney, Cowper, Crump, Davenport, Davis, Etheredge, Harris, Hoke, M'Daniel, M'Kay, M'Entire, M'Neill, Marshall, Montgomery of O. Moore, Moye, Pool, Ramsey, Riddick, Sherard, Underwood, Walton, Wellborn, Welch, Wilson.

Those who voted in the negative, are Messrs. Allen, Askew, Beasley, Davidson, Dick, Dickinson, Franklin, Hinton of W. Hinton of B. Johnson, Love, M'Diarmid, M'Farland, Martin, Matthews, Meares, Melchor, Miller, Montgomery of H. Mosely, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Williams of F. Williams of M.

The engrossed bill concerning the cross canal leading from the Great Dismal Swamp canal near the head of the woods, in Camden county, to the White Oak Spring marsh, in Gates county, was read the second time. Mr. Bell moved to amend the bill by striking out the word "seventh" in the eleventh line of the second section, and inserting the word "ten;" which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to alter the mode of compensation to members of the Senate and House of Commons, being read the second time, Mr. Meares moved to amend the bill by striking out the words "one hundred and twenty-six dollars," and inserting the following, to wit: "three dollars per day for every day he shall attend the Senate or House of Commons; provided nevertheless, that no member of the Senate or House of Commons shall be entitled to receive more than the sum of one hundred and twenty-six dollars for his attendance in the Senate or House of Commons during any one session."



Mr. Allen moved that the bill, together with the amendment, be postponed indefinitely; which was not agreed to—yeas 21, nays 34. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Bell, Burgin, Burney, Cowper, Davenport, Davidson, Harris, Hinton of W. Hinton of B. Hoke, M'Kay, M'Diarmid, M'Entire, Martin, Montgomery of H. Saunderson, Sherard, Walton, Wilson.

Those who voted in the negative, are Messrs. Askew, Beasley, Brower, Crump, Davis, Dick, Dickinson, Etheridge, Franklin, Johnson, Love, M'Daniel, M'Farland, M'Neill, Marshall, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of O. Moore, Mosely, Moyer, Pool, Ramsey, Riddick, Sneed, Smith, Underwood, Ward, Wellborn, Welch, Williams of M.

The question then recurring on the adoption of the amendment, proposed by Mr. Meares, it was determined in the affirmative—yeas 46, nays 7. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Beasley, Brower, Cowper, Crump, Davidson, Davis, Dick, Dickinson, Etheridge, Franklin, Hinton of W. Hoke, Johnson, Love, M'Daniel, M'Kay, M'Diarmid, M'Entire, M'Farland, M'Neill, Marshall, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of H. Montgomery of O. Moore, Mosely, Moyer, Pool, Rainey, Ramsey, Riddick, Sherard, Sneed, Smith, Underwood, Walton, Ward, Wellborn, Welch, Williams of M. Wilson.

Those who voted in the negative, are Messrs. Allen, Bell, Burney, Davenport, Harris, Hinton of B. Saunderson.

Mr. Sherard moved further to amend the bill by adding the following, as an additional section, to wit: "And be it further enacted, that no lawyer in either branch of the Legislature shall be permitted to speak longer than ten minutes upon any one subject, under a forfeiture of his yearly wages; any law to the contrary notwithstanding." Mr. Matthews moved to amend the amendment by striking out the word "ten" and inserting the word "fifteen;" which amendment was not agreed to. Mr. Pool moved further to amend the amendment by striking out the word "lawyer" and inserting "gentleman;" which amendment was agreed to, and the question recurring on the adoption of the amendment, as amended, it was decided in the negative—yeas 14, nays 40. The ayes and noes being demanded by Mr. Sherard, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Bell, Brower, Burney, Davenport, Harris, Hinton of B. M'Diarmid, Matthews, Montgomery of H. Montgomery of O. Pool, Ramsey, Sherard.

Those who voted in the negative, are Messrs. Allison, Askew, Beasley, Cowper, Crump, Davidson, Davis, Dick, Dickinson, Etheridge, Franklin, Hinton of W. Hoke, Johnson, Love, M'Daniel, M'Kay, M'Farland, M'Neill, Marshall, Meares, Melchor, Miller, Mitchell, Moore, Mosely, Moyer, Rainey, Riddick, Saunderson, Spaight, Sneed, Smith, Underwood, Walton, Ward, Wellborn, Welch, Williams of B. Wilson.

Mr. Meares moved further to amend the bill by striking out the following words in the 6th and 7th lines of the second section, to wit: "one hundred and sixty eight dollars," and inserting the following, viz "four dollars per day, for every day he shall attend the Senate or House of Commons; provided nevertheless, that neither the Speaker of the Senate nor House of Commons shall be entitled to receive more than the sum of one hundred and sixty eight dollars for attendance in the Senate or House of Commons during one session;" which amendment was agreed to—yeas 47, nays 7. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allison, Askew, Beasley, Brower, Burgin, Burney, Cowper, Crump, Davidson, Davis, Dick, Dickinson, Etheridge, Franklin, Hinton of W. Johnson, Love, M'Daniel, M'Kay, M'Diarmid, M'Farland, M'Neill, Marshall, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of H. Montgomery of O. Moore, Mosely, Moyer, Pool, Rainey, Ramsey, Riddick, Spaight, Sneed, Smith, Underwood, Walton, Ward, Wellborn, Welch, Williams of M. Wilson.



Those who voted in the negative, are Messrs. Allen, Bell, Davenport, Harris, Hinton of B. Hoke, Sherard.

Mr. Allen moved further to amend the bill, by striking out the words "one hundred and twenty-six dollars," in the first and second sections, and inserting in lieu thereof the words "ninety dollars;" which amendment was not agreed to—yeas 9, nays 47. The yeas and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Bell, Burgin, Burney, Davenport, Harris, Hinton of B. M'Kay, Sherard.

Those who voted in the negative, are Messrs. Allison, Askew, Beasley, Brower, Cowper, Crump, Davidson, Davis, Dick, Dickinson, Etheredge, Franklin, Hinton of Wake, Hoke, Love, M'Daniel, M'Diarmid, M'Farland, M'Neill, Marshall, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of H. Montgomery of O. Moore, Mosely, Moye, Pool, Rainey, Ramsey, Riddick, Spaight, Sneed, Smith, Underwood, Walton, Ward, Welch, Wellborn, Williams of M. Wilson.

Mr. Montgomery, of Orange, moved further to amend the bill by adding the following as an additional section, to wit: "And be it further enacted, that the salaries of the Supreme Court Judges shall be two thousand dollars per annum, payable in two semi-annual instalments of one thousand dollars each;" which amendment was not agreed to—yeas 14, nays 40. The yeas and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bell, Brower, Davenport, Harris, Hinton of B. Hoke, M'Neill, Matthews, Montgomery of H. Montgomery of O. Ramsey, Sherard, Underwood, Walton.

Those who voted in the negative, are Messrs. Allen, Allison, Askew, Beasley, Burgin, Burney, Cowper, Crump, Davidson, Davis, Dick, Dickinson, Etheredge, Franklin, Hinton of W. Love, M'Daniel, M'Diarmid, M'Farland, Marshall, Martin, Meares, Melchor, Miller, Mitchell, Moore, Mosely, Pool, Rainey, Riddick, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M. Wilson.

Mr. Wilson moved to amend the bill by adding the following as an additional section, to wit: "And be it further enacted, that the provisions of this act shall extend to the present General Assembly;" which amendment was not agreed to—yeas 24, nays 33. The yeas and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Beasley, Bell, Brower, Burney, Davenport, Davidson, Harris, Hinton of W. Hinton of B. Hoke, M'Kay, M'Diarmid, M'Entire, Martin, Melchor, Montgomery of O. Montgomery of H. Pool, Ramsey, Sherard, Smith, Walton, Wilson.

Those who voted in the negative, are Messrs. Allison, Askew, Boddie, Cowper, Crump, Davis, Dick, Dickinson, Franklin, Johnson, Love, M'Daniel, M'Farland, M'Neill, Marshall, Matthews, Meares, Miller, Mitchell, Moore, Mosely, Moye, Rainey, Riddick, Saunderson, Spaight, Sneed, Underwood, Ward, Wellborn, Welch, Williams of F. Williams of M.

The question then recurring on the passage of the bill the second time, as amended, it was determined in the affirmative—yeas 36, nays 22. The yeas and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Beasley, Brower, Crump, Davis, Dick, Dickinson, Etheredge, Franklin, Johnson, Love, M'Daniel, M'Farland, M'Neill, Marshall, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of O. Moore, Mosely, Moye, Pool, Rainey, Ramsey, Riddick, Sneed, Smith, Underwood, Ward, Wellborn, Welch, Williams of F. Williams of M.

Those who voted in the negative, are Messrs. Allen, Allison, Bell, Boddie, Burney, Cowper, Davenport, Davidson, Harris, Hinton of W. Hinton of B. Hoke, M'Kay, M'Diarmid, M'Entire, Martin, Montgomery of H. Saunderson, Spaight, Sherard, Walton, Wilson.

Mr. Meares, from the committee on the Judiciary, to whom was referred



the resolution instructing them to inquire into the expediency of allowing pay to witnesses, summoned to attend trials before justices of the peace, made a report thereon, stating that such a measure would be inexpedient, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

On motion of Mr. Meares,

*Resolved*, That a message be sent to the House of Commons, proposing so to alter the 7th Joint Rule of both Houses, that it shall not be necessary that more than one member of the committee from the Senate and two from the House of Commons, should compare the enrolled bills with the engrossed bills, and make report thereon.

And the Senate then adjourned until half after 3 o'clock this afternoon.

MONDAY EVENING, half past 3 o'clock, JANUARY 4, 1830.

Mr. Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred the bill to restore Joshua Pennell, of Wilkes county, to credit, reported the same without amendment and recommended that it be passed into a law. Whereupon the said bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Williams, of Franklin, presented the resignation of Elijah B. Perry, a justice of the peace for the county of Franklin; which was read and accepted, and sent to the House of Commons.

Mr. Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred the bill concerning fishing in the waters of Blount's creek, reported the same with an amendment, to wit: "strike out the following words, in the tenth and eleventh lines, to wit: "midnight of the days of Friday and Sunday," and insert the following: "the hours of 12 o'clock on Monday, A. M. until 12 o'clock on Monday, A. M.;" which amendment was agreed to; and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

The bill to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood, was read the second time and passed.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill for the better government of the town of Elizabeth City, in the county of Pasquotank.

The resolution relative to adjournment was taken up, on motion of Mr. Askew and read. Mr. McKay moved that the said resolution be postponed indefinitely; which was not agreed to—yeas 19, nays 37. The yeas and noes being demanded by Mr. Boddie, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Burney, Davenport, Hinton of W. Hoke, Johnson, Love, McKay, M'Diarmid, M'Neill, Martin, Montgomery of O. Mosely, Rainey, Spaight, Sherard, Sneed, Wellborn, Williams of F.

Those who voted in the negative, are Messrs. Allison, Askew, Beasley, Bell, Boddie, Brower, Burgin, Cowper, Crump, Davidson, Davis, Dick, Dickinson, Etheredge, Franklin, Harris, M'Daniel, M'Entire, M'Farland, Marshall, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of H. Moore, Moyer, Pool, Ramsey, Smith, Underwood, Walton, Ward, Welch, Williams of M. Wilson.

On motion of Mr. Wellborn, ordered that the said resolution be laid upon the table.

The engrossed bill to exempt the members of the several fire companies in this State from mustering and for other purposes, was read the third time. Mr. Meares moved to amend the bill, by inserting after the word "Company," in the fifth line of the first section, the following words, to wit:



"except the fire company of the town of Lincolnton;" which amendment was not agreed to. Mr. Ward moved further to amend the bill, by inserting after the word "October," in the second section, the following words to wit: "under the penalties now in force on captains of militia companies, on failure of making returns;" which amendment was agreed to. Mr. Hoke moved that the bill be indefinitely postponed; which was not agreed to; and the bill, as amended, was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the Washington toll bridge, with an amendment, to wit: at the end of the bill, add the following proviso: "Provided that nothing herein contained, shall prevent the commissioners of the town of Washington from levying and collecting a tax, not exceeding that heretofore authorised by law, upon every foot of the width of the House aforesaid, if the said commissioners shall believe that the public is not fully compensated for the use of that part of the dock and street granted as above, by the additional public convenience and advantage of having the constant residence of said keeper at the bridge; and they are hereby empowered to levy and collect the same, if they think proper;" in which they ask the concurrence of the Senate; and the question being taken thereon, it was determined in the affirmative, and the House of Commons were informed thereof by message.

The engrossed bill to amend an act, passed A. D. 1827, providing for the incorporation of the town of Lexington, in the county of Davidson, was read the second time. Mr. Harris moved to amend the bill by striking out the word "twenty," in the eleventh line of the first section, and inserting the word "thirty;" which amendment was agreed to; and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to authorise the Clerks and Masters in Equity to take depositions, was read the third time. Mr. M'Farland moved to amend the bill by striking out the word "twenty," in the third line of the sixth section, and inserting the word "ten;" which amendment was agreed to; and, on motion of Mr. Meares, ordered that the said bill be postponed indefinitely.

The bill securing the collection of fines and amercements from sheriffs in this State, was read the second time and passed.

The bill to prevent disfiguring the walls of the State House, was read the third time. Mr. Allison moved to amend the bill by striking out the second section; which was not agreed to. Mr. Meares moved further to amend the bill by striking out the word "ten," in the ninth line of the first section, and inserting the word "five;" which amendment was agreed to; and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The bill concerning the bonds in the office of the Public Treasurer for the purchase of the Cherokee and Tuskarora lands, was read the second time and passed.

The bill ceding to the United States jurisdiction over certain lands, as sites for light houses, was read the second and third times and passed, and ordered to be engrossed.



The bill concerning the Catawba Navigation Company, was read the third time and passed, and ordered to be engrossed.

The engrossed bill concerning the places where company musters shall be held, was read the third time and passed, and ordered to be enrolled; and the engrossed bill vesting in the Superior and County Courts jurisdiction of application for the legitimation of bastard children, was read the second and third times and passed, and ordered to be enrolled.

The bill to provide for the repairs of the State House and Arsenal, was read the second time. *Mr. Wellborn* moved to amend the bill by striking out the words "fifteen hundred," and inserting the words "one thousand;" which amendment was agreed to; and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that the select joint committee, to whom was referred the bill to alter the time of holding the Superior Courts of Law and Equity in the third judicial circuit, be discharged from the further consideration of the subject.

The engrossed bill concerning the University of North Carolina, was read the second time, and, on motion of *Mr. Spaight*, ordered that the said bill be indefinitely postponed.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate, that the seventh section of the joint rules of order be so altered as to require the committee appointed to examine enrolled bills, to consist of eight members of the House of Commons and four from the Senate, instead of the number now required by said rule; and stating further, that they have accordingly appointed *Messrs. Pearson, M'Millan, Stanly and Long*, as an addition to the committee on their part.

Received also from the House of Commons a message, stating that they recede from their first proposed amendment to the engrossed bill to authorise the forming a Fire Engine Company, in the town of Elizabeth City, and adhere to the second. Whereupon the Senate receded from their disagreement to the said second amendment, and the House of Commons were informed thereof by message.

Received from the House of Commons the resignation of *Davis Durrett*, as colonel commandant of the 2d regiment of *Sarry county* militia; also the resignations of *James Hamlin*, of the county of *Buncombe*, and of *Thomas Cox*, of the county of *Washington*, justices of the peace for their respective counties, endorsed in that House, "read and accepted;" and which were read and accepted by the Senate.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

#### TUESDAY, JANUARY 5, 1830.

A message was sent to the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to prevent disfiguring the walls of the State House; a bill to amend the charter of the Catawba Navigation Company; a bill to provide for the repairs of the State House and Arsenal; a bill concerning fishing in the waters of *Blount's creek*; a bill to regulate the fisheries of *Tar and Pamlico river*; a bill to restore *Joshua Pennell*, of *Wilkes county*, to credit; and a bill ceding to the United States jurisdiction over certain lands, as sites for light-houses; in which they ask the concurrence of the House of Commons.



On motion of Mr. Riddick, ordered that William W. Boddie, the Senator from the county of Nash, have leave of absence from and after this day for the remainder of the session.

Mr. Hinton, of Beaufort, presented the resignation of Richard Baynor, as colonel commandant of the militia of Beaufort county; which was read and accepted, and sent to the House of Commons.

A message was sent to the House of Commons, stating that Messrs. Spaight and Mitchell are appointed additional members on the part of the Senate, on the joint select committee on enrolled bills, in pursuance of the alteration of the seventh joint rule.

The engrossed bill amendatory of the laws now in force for the suppression of counterfeiting, was read the second time and passed.

The engrossed bill to prevent frauds in deeds of trust and mortgages, was read the second time. Mr. M'Farland moved to amend the bill by striking out the following words in the eleventh and twelfth lines of the first section, to wit: "but from the registration of such deed of trust or mortgage," and insert the following words: "unless such deed or mortgage be registered in five days after the date thereof, in said county;" which amendment was not agreed to; and the bill was subsequently read the second time and passed.

Mr. Meares, from the committee on the Judiciary, to whom was referred certain resolutions regarding the courts of this State, making certain general rules for regulating the arrangement of business, made a report thereon, accompanied by a bill to authorise courts of justice to regulate the business therein; which was read the first time and passed.

On motion of Mr. Meares, ordered that the committee on the Judiciary be discharged from the consideration of any further business during this session.

The bill more effectually to prevent injury to stock, was read the second time. Mr. Pool moved to amend the bill, by inserting the word "mule," after the word "horse," in the fifth line of the first section; which amendment was agreed to. Mr. Hoke moved further to amend the bill by striking out the words "shall be fined or imprisoned;" which amendment was not agreed to. Mr. Dickinson moved further to amend the bill by inserting the following words after the word "be," in the ninth line of the first section, to wit: "liable to a fine not exceeding twenty dollars, for the first offence; and for every subsequent offence, to fine or imprisonment, or both, at the discretion of the court;" which amendment was not agreed to; and the bill was subsequently read the second time and passed—yeas 32, nays 23. The yeas and noes being demanded by Mr. Hoke, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allison, Brower, Burgin, Burney, Cowper, Crump, Davidson, Davis, Dick, Dickinson, Etheredge, Harris, Johnson, M'Kay, M'Entire, M'Farland, M'Neill, Martin, Meares, Miller, Mitchell, Montgomery of H. Moore, Mosely, Pool, Riddick, Sherard, Sneed, Underwood, Wellborn, Welch, Williams of M.

Those who voted in the negative, are Messrs. Allen, Askew, Beasley, Bell, Davenport, Franklin, Hinton of W. Hinton of B. Hoke, M'Daniel, M'Diarmid, Marshall, Matthews, Melchor, Moyer, Ramsey, Saunderson, Spaight, Smith, Walton, Ward, Williams of F. Wilson.

Mr. Mitchell, from the committee on Internal Improvement, to whom was referred the resolution instructing them to inquire into the expediency of directing the Board of Internal Improvement to propose to the Cape Fear Navigation Company, the release of their franchises and privileges to such streams as remain unimproved by them, made a report thereon, accompanied by the following resolution, to wit:



*Resolved*, That the Board of Internal Improvement be instructed to procure if possible, from the Cape Fear Navigation Company a release to the State of all their privileges under their charter, in such tributary streams of the Cape Fear river as remain unimproved by them.

Which was read and adopted, and ordered to be engrossed.

On motion of Mr. Dick, the Senate resolved itself into a committee of the whole House, Mr. Hinton, of Wake, in the chair, to take into consideration the resolution relative to the powers of Congress to make improvements of national concern; and the resolution concerning the opening of an outlet from the Albemarle Sound to the ocean; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Hinton reported that the committee of the whole had had the said bill under consideration and made some progress therein, and not having sufficient time to go through the same, had instructed him to ask leave to sit again; and on the question shall the committee have leave to sit again? it was determined in the affirmative.

The resolution in favor of Gabriel Holmes, sheriff of New Hanover county; and the resolution in favor of Wm. Thompson, were read the second and third times and passed, and ordered to be engrossed.

The bill to regulate the entries of lands in certain cases, was read the second time and passed.

The bill concerning the failure of duties in sheriffs, was read the second time, and, on motion of Mr. Davidson, ordered that the said bill be postponed indefinitely.

And the Senate then adjourned until this afternoon, 3 o'clock.

#### TUESDAY AFTERNOON, 5 o'clock.

Mr. Mitchell presented the resignation of Jacob Miller, a justice of the peace for the county of Rowan; which was read and accepted, and sent to the House of Commons.

The engrossed bill to authorise the securities of William Gregory, late sheriff of Pasquotank county, to collect arrears of taxes for the year therein mentioned, was read the third time, and resolved that the same shall not pass.

Mr. Williams, of Martin, from the committee on Propositions and Grievances, to whom was referred the petition of Joseph Ross and Thomas G. Scott, of the city of Raleigh, made a report thereon, accompanied by the following preamble and resolution, to wit:

Whereas, Joseph Ross and Thomas G. Scott were appointed auctioneers for the city of Raleigh for the years 1825 and 1827, and that the said Ross & Scott paid the sum of (\$33 53) thirty three dollars fifty three cents, into the Public Treasury of the State, more than they were bound to do by law.

*Resolved therefore*, That the Public Treasurer refund unto the said Ross & Scott the sum of 33 dollars and 53 cents; which sum was improperly paid into the Treasury.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to enable the Banks of Newbern and Cape Fear to wind up gradually, and fix a uniform rate of collection; a bill to enable the State Bank to wind up gradually, and to fix a uniform rate of collection; a bill to prescribe the manner in which the sheriffs shall give bonds; and a bill concerning the wardens of the poor in Gates county; in which they ask the concurrence of the Senate. Whereupon the first mentioned bill was read the first time and passed, and, on



motion of *Mr. Beasley*, ordered to be printed one copy for each member of the Senate.

The engrossed bill to enable the State Bank to wind up gradually and fix a uniform rate of collection, was read the first time and passed—yeas 34, nays 19. The ayes and noes being demanded by *Mr. Beasley*, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Burgin, Burney, Crump, Davidson, Davis, Dick, Dickinson, Franklin, Hinton of W. Hinton of B. Hoke, Love, M'Daniel, M'Kay, M'Entire, M'Neill, Meares, Melchor, Mitchell, Moore, Mosely, Moya, Ramey, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M. Wilson.

Those who voted in the negative, are Messrs. Bell, Brower, Beasley, Cowper, Etheredge, Harris, Johnson, M'Farland, Marshall, Martin, Matthews, Montgomery of H. Montgomery of O. Pool, Ramsey, Riddick, Sherard, Underwood, Walton.

On motion of *Mr. M'Kay*, ordered that the said bill be printed, one copy for each member of the Senate.

The engrossed bill to prescribe the manner in which the sheriffs shall give bonds, was read the first time and passed; and the engrossed bill concerning the wardens of the poor in Gates county, was read the first, second and third times and passed, and ordered to be enrolled.

*Mr. Hinton*, of Wake, presented a bill to establish Woodville Academy, in the county of Wake, and incorporate the trustees thereof; which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have rejected the engrossed bill to authorise and direct the Supreme Court to be holden in the several places therein directed; and stating further that they have postponed indefinitely the engrossed bill more effectually to prevent depredations of runaway slaves, and to encourage their apprehension in the counties of Lenoir, Wayne, Craven, Onslow, New Hanover, Washington, Buncombe, Jones, Pitt, Beaufort and Greene.

Received from the House of Commons the resignation of Richard Bayner, as colonel commandant of the regiment of Beaufort county, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

On motion of *Mr. Williams*, of Martin, ordered that James Allen, the Senator from the county of Buncombe, have leave of absence from and after to-morrow for the remainder of the session.

The engrossed bill to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay out a road from the Lincoln line to James Loving's, passing through the Laurel Gap of the South mountains, and for other purposes, was read the second time. *Mr. Burgin* moved to amend the bill by striking out the word "fifty" and insert "37½" in the third section; and further to amend the bill by striking out the word "fifty" and inserting the words "thirty-seven and a half" in the same section; and also in the same section, strike out "twenty-five" and insert "twenty." *Mr. Burgin* moved further to amend the bill by striking out the words "James Loving's," wherever they occur, and insert the words "Jacob Mull's mills." *Mr. Allen* moved farther to amend the bill by adding the following, as an additional section, to wit: "And be it further enacted, that it shall be the duty of the County Court to appoint two commissioners to view the said road at least four times in each and every



year; and when the said road shall be out of repair, they shall return the said owners of the road to the grand jury of the Superior Court." Mr. Allison moved further to amend the bill by striking out the word "fourteen" in the second section, and inserting "sixteen." Mr. Meares moved further to amend the bill by inserting after the word "years" in the eleventh line of the second section, the following words, to wit: "not exceeding twenty years;" which several amendments were agreed to. Mr. Hoke moved further to amend the bill by adding the following, as an additional section, to wit: "Be it further enacted, that in no case whatsoever shall the corporation hereby created be allowed the privilege to collect toll from any of the citizens of this State, except those who reside in the county of Burke;" which amendment was not agreed to, and the bill, as amended, was read the second and third times and passed—yeas 40, nays 16. The ayes and noes being demanded by Mr. Hoke, are as follows to wit:

Those who voted in the affirmative, are Messrs. Allen, Allison, Brower, Burgin, Burney, Cowper, Davis, Dick, Dickinson, Etheredge, Franklin, Harris, Hinton of B. Johnson, M'Daniel, M'Kay, M'Diarmid, M'Entire, M'Farland, M'Neill, Marshall, Martin, Meares, Miller, Mitchell, Montgomery of O. Moore, Mosely, Ramsey, Riddick, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M. Wilson.

Those who voted in the negative, are Messrs. Askew, Beasley, Bell, Crump, Hoke, Matthews, Melchor, Montgomery of H. Moye, Pool, Sherard, Underwood, Walton.

And a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Meares presented the following resolution, to wit:

*Resolved*, That the eleventh Rule of the Senate be suspended after this day.

Which was read, and resolved that the same shall not pass.

On motion of Mr. M'Diarmid, ordered that he have leave to withdraw from the files of the Senate the petition and documents of sundry citizens of the counties of Cumberland, Moore, Chatham and Wake, in relation to the erection of a new county.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill for the improvement of the road from the Old Fort, in Burke county, to Ashville, in Buncombe county; a bill to amend an act, entitled an act to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties; a bill for the better regulation of the town of Murfreesborough; a bill to amend the militia laws in this State, so far as respects the uniform companies of light infantry, riflemen, grenadiers and artillery; a bill concerning the sale of certain lands in the town of Halifax; and a bill to amend an act, passed in the year 1826, entitled an act concerning the entry of land in this State; also the following engrossed resolutions, to wit: Resolution for Public Treasurer; resolution for Secretary of State; resolution for Roanoke Navigation Company; resolution about Governor's garden; and a resolution in favor of Librarian; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed; and the following resolutions, to wit: The resolution for Public Treasurer; the resolution in favor of Librarian; the resolution for Roanoke Navigation Company; and the resolution about the Governor's garden, were severally read the first time and passed. The resolution for the Secretary of State, was read the first time, and, on motion of Mr. Williams, of Franklin, ordered that the said resolution be postponed indefinitely.



The following engrossed bills, to wit: The bill for the better regulation of the town of Murfreesborough; the bill to amend an act, entitled an act to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties; and the bill concerning the sale of certain lands in the town of Halifax, were severally read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, accompanied by a communication from the Public Treasurer, transmitting the exhibit of the State Bank of North Carolina at Edenton, and proposing that the same be printed, one copy for each member of the Legislature. Whereupon, on motion of Mr. Martin, the several statements heretofore received from the House of Commons of the situation of the several Banks in this State, were taken up, and the proposition to print the same, together with that now received, was agreed to, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating that they concur in the amendment made by the Senate in the engrossed bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825.

The bill to regulate the entries of lands in certain cases, was read the third time and passed, and ordered to be engrossed.

The bill to amend the law relative to securities for the stay of executions on judgments given by justices of the peace, was read the third time. Mr. Sneed moved to strike out the whole thereof except the words "a bill;" which was agreed to. Mr. Sneed then offered in lieu thereof a substitute, which was read and accepted by the Senate, and the bill, as amended, was subsequently read the third time and passed, and ordered to be engrossed.

The bill more effectually to prevent injury to stock, was read the third time. Mr. Dickinson moved further to amend the bill by striking out the following words, after the word "be" in the 9th line of the first section, to wit: "fined or imprisoned at the discretion of the court," and inserting in lieu thereof the following, to wit: "liable to a fine not exceeding \$50 for the first offence, and for every subsequent offence to fine or imprisonment, or both, at the discretion of the court; provided nevertheless, that if any defendant shall fail to pay the fine imposed for the first offence, he may be imprisoned for the first offence;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed—yeas 28, noes 12. The yeas and noes being demanded by Mr. Hoke, are as follows to wit:

Those who voted in the affirmative, are Messrs. Allison, Bell, Cowper, Crump, Davidson, Davis, Dickinson, Etheredge, Franklin, Harris, Johnson, M'Entire, M'Farland, Martin, Matthews, Meares, Montgomery of H. Montgomery of O. Moore, Mosely, Moye, Pool, Sherard, Sneed, Underwood, Wellborn, Welch, Williams of M.

Those who voted in the negative, are Messrs. Allen, Brower, Hinton of W. Hoke, M'Daniel, M'Diarmid, Melchor, Spaight, Smith, Walton, Williams of F. Wilson.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate to alter the seventh joint rule for the government of the two Houses.

The bill to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood, was read the third time and passed, and ordered to be engrossed.

The engrossed bill, amendatory of the laws now in force for the suppress-



sion of counterfeiting, was read the third time and passed, and ordered to be enrolled.

The bill to alter the times of holding the Superior Court of Law and Equity, in the third Judicial circuit, was read the second time; and, on motion of Mr. Williams, of Martin, ordered that the said bill be postponed indefinitely.

Received from the House of Commons the resignation of Willis Johnson, as lieutenant colonel of the 37th regiment of North Carolina militia, endorsed in that House "read and accepted;" and which was read and accepted by the Senate.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 6, 1830.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood; a bill more effectually to prevent injury to stock; a bill to establish Woodville Academy, in the county of Wake, and to incorporate the trustees thereof; a bill to regulate the entries of lands in certain cases; and a bill for the relief of securities in certain cases; also the following engrossed resolutions: A resolution in favor of William Thompson; a resolution in favor of Gabriel Holmes, sheriff of New Hanover county; a resolution for the committee on Internal Improvement; and a resolution for the Board of Internal Improvement; in which they ask the concurrence of the House of Commons.

Received from the House of Commons a message, proposing that the two Houses adjourn *sine die* on Friday next, and that the clerks of both Houses make up the estimates to that time inclusive; which proposition was agreed to, and the House of Commons were informed thereof by message.

Received also from the House of Commons a message, stating that they do not concur in the amendment made by the Senate in the engrossed bill concerning the cross canal leading from the Great Dismal Swamp canal, near the head of the woods in Camden county, to the White Oak Spring Marsh in Gates county. Whereupon, on motion of Mr. Bell, the Senate receded from their said proposed amendment, and the House of Commons were informed thereof by message. Ordered that said bill be enrolled.

The bill to authorise the Public Treasurer to issue Treasury Notes, was read the second time. Mr. Davidson moved to amend the bill by filling the blank, in the first section, with the words "one hundred thousand;" which amendment was agreed to; and the bill, as amended, was read the third time. Mr. Sherard moved further to amend the bill by striking out the words "one hundred thousand," and inserting the words "two hundred thousand;" which amendment was not agreed to. Mr. Davidson moved further to amend the bill, by adding the following as an additional section, to wit: "Be it further enacted, that the Public Treasurer shall be allowed an adequate compensation for issuing said Treasury Notes;" which amendment was agreed to; and the bill, as amended, was read the third time and passed, and ordered to be engrossed—yeas 38, nays 15. The yeas and noes being demanded by Mr. Bell, are as follows:

Those who voted in the affirmative, are Messrs Allison, Beasley, Brower, Burgin, Burney, Cowper, Crump, Davenport, Davidson, Dickinson, Etheredge, Franklin, Harris, Hinton of B. Hoke, Johnson, Love, M'Daniel, M'Entire, M'Farland, M'Neill, Marshall,



Matthews, Melchor, Mitchell, Montgomery of O. Moore, Moyer, Pool, Rainey, Ramsey, Riddick, Saunderson, Sherard, Underwood, Walton, Wellborn, Welch.

Those who voted in the negative, are Messrs. Bell, Davis, Dick, Hinton of W. M'Diarmid, Miller, Montgomery of H. Mosely, Spaight, Sneed, Williams of F. Williams of M. Wilson.

The engrossed bill to prevent frauds in deeds of trust and mortgages, was read the third time. Mr. Dickinson moved to amend the bill by adding the following proviso, at the end of the first section, to wit: "Provided that no *bona fide* deed of trust or mortgage shall be made void hereby, if the same shall be presented for probate, and delivered to the register of the county or at his office, within twenty days after its date." Mr. Allison moved to amend the amendment by striking out the word "twenty" and inserting the word "five;" which was not agreed to, and the question recurring on the original amendment, it was determined in the negative. Mr. Williams, of Franklin, moved further to amend the bill by adding the following, as an additional section, to wit: "And be it further enacted, that all deeds in trust or mortgages shall hereafter embrace all the creditors equally, according to the amount of each debt;" which amendment was not agreed to. Mr. M'Farland moved further to amend the bill by adding the following, as an additional section, to wit: "And be it further enacted, that if any person or persons who shall wilfully give more than one deed of trust or mortgage for the same property, with the intention of defrauding the first deed, shall on conviction be guilty of a misdemeanor, and subject to fine and imprisonment;" which amendment was not agreed to; and the bill being read the third time, Mr. M'Farland moved that the said bill be indefinitely postponed; which was not agreed to—yeas 10, noes 50. The yeas and noes being demanded by Mr. M'Farland, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bell, Dickinson, Hinton of B. M'Diarmid, M'Farland, Riddick, Saunderson, Sherard, Underwood, Walton.

Those who voted in the negative, are Messrs. Allison, Askew, Beasley, Brower, Burgin, Burney, Cowper, Crump, Davidson, Davis, Dick, Etheredge, Franklin, Harris, Hinton of W. Hoke, Johnson, M'Daniel, M'Entire, M'Neil, Marshall, Matthews, Meares, Melchor, Miller, Mitchell, Montgomery of H. Montgomery of O. Moore, Mosely, Moyer, Pool, Rainey, Ramsey, Sneed, Wellborn, Welch, Williams of F. Williams of M. Wilson.

The question then recurring on the passage of the bill the third time, it was determined in the affirmative, and it was ordered to be enrolled.

Mr. Sneed presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to each of the Doorkeepers of the Senate the sum of twenty-five dollars, their usual extra allowance, and that they be compelled to pay out of the same the hands necessarily employed by them for bringing wood and water to the State House, during the present session of the General Assembly.

Which was read the first time and passed.

The bill securing the collection of fines and amercements from the sheriffs in this State, was read the third time. Mr. Sneed moved to amend the bill by inserting the words "hereafter to be given," after the word "bonds" in the fourth line of the bill; which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to authorise the County Court of Duplin to purchase certain lands, was read the third time and passed, and ordered to be enrolled.

The bill concerning the bonds in the office of the Public Treasurer for



the purchase of the Cherokee and Tuscarora lands, was read the third time and passed, and ordered to be engrossed.

The bill to alter the mode of compensation to members of the Senate and House of Commons, was read the third time and passed, and ordered to be engrossed—yeas 38, nays 18. The ayes and noes being demanded by Mr. Meares, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Beasley, Brower, Burgin, Crump, Davis, Dick, Dickinson, Etheredge, Franklin, Johnson, Love, M'Daniel, M'Entire, M'Farland, M'Neill, Marshall, Meares, Melchor, Miller, Mitchell, Montgomery of O. Moore, Mosely, Moye, Pool, Rainey, Ramsey, Riddick, Sneed, Smith, Underwood, Walton, Ward, Wellborn, Welch, Williams of F. Williams of M.

Those who voted in the negative, are Messrs. Allison, Bell, Burney, Cowper, Davenport, Davidson, Harris, Hinton of W. Hoke, M'Kay, M'Diarmid, Martin, Matthews, Montgomery of H. Saunderson, Spaight, Sherard, Wilson.

On motion of Mr. Montgomery, of Hertford, ordered that the committee of the whole House be discharged from the further consideration of the resolution, requesting our Senators and Representatives in Congress to use their endeavors to procure an appropriation for opening an outlet from Albemarle sound to the ocean; and the resolution being read, Mr. Mosely moved that it be indefinitely postponed; which was not agreed to—ayes 21, nays 29. The ayes and noes being demanded by Mr. Mosely, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Brower, Davidson, Davis, Franklin, Harris, M'Daniel, M'Kay, M'Neill, Matthews, Miller, Moore, Mosely, Rainey, Spaight, Sneed, Smith, Underwood, Ward, Wellborn, Welch, Wilson.

Those who voted in the negative, are Messrs. Askew, Beasley, Bell, Burgin, Burney, Cowper, Davenport, Dick, Dickinson, Etheredge, Hinton of W. Hinton of B. Hoke, M'Diarmid, M'Farland, Marshall, Martin, Meares, Melchor, Mitchell, Montgomery of H. Montgomery of O. Moye, Pool, Ramsey, Riddick, Saunderson, Sherard, Walton.

The question then recurring on the passage of the resolution, it was determined in the affirmative, and the resolution was ordered to be engrossed.

On motion of Mr. Sherard, the Senate took a recess from business until half past 2 o'clock.

—

WEDNESDAY EVENING, half past 2 o'clock.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorise the issuing of Treasury Notes; and the engrossed resolution concerning the opening of an outlet from the Albemarle Sound to the ocean; in which they ask the concurrence of the House of Commons.

Mr. Wellborn presented the following resolution, to wit:

*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence in obtaining for North Carolina her proportionate part of the public funds for Internal Improvement.

And the resolution being read, on motion of Mr. Mitchell, ordered that it be laid upon the table.

The engrossed bill concerning the State road in the county of Macon, was read the second time. Mr. Love moved to amend the bill by inserting the following words after the word "court," in the 13th line of the first section, to wit: "seven acting justices of the peace at least being present;" which amendment was agreed to; and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have



postponed indefinitely the following engrossed bills, to wit: The bill to regulate the fisheries in Tar and Pamlico rivers; the bill to restore Joshua Pennell, of Wilkes county, to credit; and the bill to legitimate Nathan Oliver, of the county of Washington.

The engrossed bill to prescribe the manner in which the sheriffs shall give bonds, was read the second time, and, on motion of Mr. Wellborn, ordered that the said bill be postponed indefinitely.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: A resolution for the survey of Trent and Black rivers; resolutions in relation to certain large "Western grants;" and a resolution in relation to a survey of Main Broad river; in which they ask the concurrence of the Senate. Whereupon the first resolution was read and adopted, and ordered to be enrolled. The resolution in relation to certain large "Western grants," was read the first time and passed; and the resolution in relation to a survey of Main Broad river, was, on motion of Mr. Wellborn, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend an act, passed A. D. 1828, entitled an act to amend the law regulating the inspection of flour in the town of Fayetteville; and also the engrossed resolution concerning the claim of North Carolina against the United States; in which they ask the concurrence of the Senate. Whereupon the said bill and resolution were read the first time and passed.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution in favor of James Bryson; in which they ask the concurrence of the Senate. Whereupon the said resolution was read and adopted, and ordered to be enrolled.

Received from the House of Commons a message, stating that they concur in the several amendments made by the Senate in the engrossed bill to exempt the members of the several fire companies in this State from mustering, and for other purposes. Whereupon the said bill was ordered to be enrolled.

A message was also received from the House of Commons, stating that they have passed the engrossed bill to amend an act, passed A. D. 1828, entitled an act supplemental to an act erecting the county of Macon, with an amendment, to wit: strike out the whole of the second section, and insert the amendment marked A; in which they ask the concurrence of the Senate. Whereupon the said amendment was read and agreed to, and the House of Commons were informed thereof by message.

The resolution in favor of Ross & Scott, was read the second and third times and passed, and ordered to be engrossed.

The engrossed resolutions for the Librarian and Public Treasurer, were read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they concur in the amendments made by the Senate to the engrossed bill to authorise the Courts of Pleas and Quarter Sessions of New Hanover to appoint a committee of Finance. Ordered that the said bill be enrolled.

On motion of Mr. Meares, ordered that the eleventh rule for the government of the Senate be suspended.

A message was received from the House of Commons, stating that they concur in the amendment made by the Senate to the engrossed bill concern-



ing the Buncombe Turnpike Road. Whereupon the said bill was ordered to be enrolled.

The engrossed resolution concerning the Roanoke Navigation Company, was read the second time and passed, and being read the third time, on motion of Mr. Sneed, ordered to lie on the table.

The engrossed resolution about the Governor's Garden, was read the second time; and, on motion of Mr. Sherard, ordered that the said resolution be indefinitely postponed.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to establish a Bank on behalf of, and for the benefit of the State.

The engrossed bill to amend an act, passed in the year 1826, entitled an act concerning the entry of lands in this State, was read the second time. Mr. M'Diarmid moved to amend the bill by striking out the words "two thousand," in the 8th line, and insert the words "six hundred and forty." Mr. Dick moved that the bill be postponed indefinitely; which was not agreed to; and, on motion of Mr. Sneed, ordered that the said bill be laid upon the table.

Received from the House of Commons a message, accompanied by a document from the Comptroller's office and the following resolution, to wit:

*Resolved*, That the document made out and submitted to this House by the Comptroller, exhibiting a detailed statement of each species of permanent general taxation, be sent to the Senate, with a proposition that two hundred copies be printed under the direction of the Comptroller, and deposited in the Public Library, and that he receive for this service such compensation as may be deemed adequate by the next General Assembly.

And the resolution having been read, on motion of Mr. Mosely, ordered to be postponed indefinitely.

The bill to authorise courts of justice to regulate the business therein, was read the second and third times and passed, and ordered to be engrossed.

The bill to establish a fund for the erection and support of a Lunatic Asylum, was read the second time, and, on motion of Mr. Wellborn, ordered to be postponed indefinitely.

Received from the House of Commons a message, stating that they concur in the proposed amendments made by the Senate in the engrossed bill to amend an act, passed A. D. 1827, providing for the better regulation of the town of Lexington, in the county of Davidson. Whereupon the said bill was ordered to be enrolled.

The engrossed bill to amend the militia laws of this State, so far as respects the uniform companies of light infantry, riflemen, grenadiers and artillery, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to amend an act, passed A. D. 1828, entitled an act to amend the law regulating the inspection of flour in the town of Fayetteville, was read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution concerning the claim of North Carolina against the United States, was read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution in relation to certain large Western grants, was read the second and third times and passed, and ordered to be enrolled.



The resolution in favor of the Doorkeepers, was read the second and third times and passed, and ordered to be engrossed.

A motion was made by Mr. Miller to reconsider the vote taken on to-day on the indefinite postponement of the resolution in relation to the document for the Comptroller's office, and on the question, will the Senate reconsider said vote? it was determined in the affirmative; and, on motion of Mr. Spaight, ordered that said resolution be laid upon the table.

Mr. Sneed presented the following resolutions, to wit:

*Resolved*, That the document furnished by the Comptroller in pursuance of an order of the House of Commons, exhibiting the amount paid on each species of permanent taxation by the several counties of this State, from the year 1793 to 1828, inclusive, be filed in the office of the Comptroller.

*Resolved further*, That James Grant be allowed the sum of 75 dollars, for furnishing said document.

Which resolutions were read the first, second and third times and passed, and ordered to be engrossed

On motion of Mr. Sneed, a message was sent to the House of Commons, stating that the Senate have reconsidered the vote on the indefinite postponement of the resolution proposing to print the aforesaid document, and asking their concurrence in the aforesaid resolutions.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 7, 1830.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit. A bill to authorize courts of justice to regulate the business therein; a bill concerning the bonds in the office of the Public Treasurer for the purchase of the Cherokee and Tuscarora lands; a bill securing the collection of fines and amercements from the sheriffs in this State; and a bill to alter the mode of compensation to members of the Senate and House of Commons; also the following engrossed resolutions, to wit: A resolution in favor of the Doorkeepers; a resolution in favor of Ross & Scott; and a resolution concerning the Comptroller's abstract, and making compensation to him for the same; in which they ask the concurrence of the House of Commons.

Mr. Love, from the select committee, to whom was referred so much of the Governor's message as relates to the Cherokee lands, made a report thereon, stating that there exists no necessity for the committee to act upon the subject, inasmuch as a report has been made by a joint select committee to the House of Commons on the same subject; in which report the Senate concurred.

Mr. Sneed, from the committee on the Penitentiary and Lunatic Asylum, to whom was referred so much of the Governor's message as relates to two plans for an asylum presented by him, made a report thereon; and the resolution therein contained, as follows, to wit:

*Resolved*, That the Governor be requested to return to the Governor of Virginia the plan of a Lunatic Asylum, forwarded to this State,

Was read and adopted, and ordered to be engrossed.

Mr. Hinton, of Wake, presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Matthew J. Coman \$45 80 cents, it being for services rendered in carrying a writ of election to the sheriff of Hyde county.

Which was read the first, second and third times and passed, and ordered to be engrossed.

The engrossed bill concerning the payment of jurors in Martin county,



was read the first time, and, on motion of *Mr. Dick*, ordered that the said bill be postponed indefinitely.

The bill concerning the distribution of the public arms to certain police authorities herein specified, and in case of invasion or insurrection, and for other purposes, was read the third time. *Mr. Montgomery*, of Orange, moved to amend the bill by adding the following as an additional section at the end of the second section, to wit: "Be it further enacted, that the adjutant general, as soon as convenient, shall collect all the public arms now loaned out, and deposite them in the public arsenals;" which amendment was not agreed to; and the bill was subsequently read the third time and passed, and ordered to be engrossed.

*Mr. Miller*, from the select joint committee to whom was referred so much of the Governor's message as relates to the division of the State into smaller judicial circuits, with the accompanying resolutions, made a report thereon, asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

The engrossed bill for the improvement of the road from the old fort in Burke county, to Ashville, in Buncombe county, was read the second time. *Mr. M'Farland* moved to amend the bill by adding the following as an additional section, to wit: "And be it further enacted, that said commissioners shall give bond, payable to the Governor, in double the amount loaned said commissioners, for refunding said sum, as is required by this act;" and, on motion of *Mr. Love*, ordered that the bill, together with the amendment, be laid on the table.

On motion of *Mr. Sneed*, the Senate resolved itself into a committee of the whole House, *Mr. Spaight* in the Chair, to take into consideration the bill to enable the State Bank to wind up gradually, and to fix a uniform rate of collection; and, after some time spent therein, *Mr. Speaker* resumed the Chair, and *Mr. Spaight* reported the said bill to the House without amendment; and the bill being read the second time, *Mr. M'Kay* moved to amend the bill by striking out the figures "1834," in the 3d line of the 2d section, and inserting "1831;" which was not agreed to—ayes 26, noes 31. The ayes and noes being demanded by *Mr. Montgomery*, of O. are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beasley, Bell, Brower, Cowper, Crump, Davenport, Franklin, Harris, Hoke, Johnson, M'Kay, M'Farland, M'Neill, Marshall, Martin, Matthews, Mitchell, Montgomery of H. Montgomery of O. Moore, Pool, Ramsey, Riddick, Sherard, Underwood, Walton.

Those who voted in the negative, are Messrs. Allison, Askew, Burgin, Burney, Davidson, Davis, Dick, Dickinson, Etheridge, Hinton of W. Hinton of B. Love, M'Daniel, M'Diarmid, M'Entire, Meares, Melchor, Miller, Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M. Wilson.

*Mr. Meares* moved further to amend the bill by inserting the following as an additional section at the end of the second section, to wit: "Be it further enacted, that after the first day of September, 1830, it shall not be lawful for the president and directors of said Bank, under any pretence whatever, to make any loans on what is called accommodation notes, or notes payable at longer periods than three equal instalments of ninety days each, except such note be offered in renewal of, or in payment, or substitution for some previous existing accommodation debt;" which amendment was agreed to. *Mr. Wilson* moved further to amend the bill by adding the following proviso, at the end of the fourth section, to wit: "And provided further, that



the whole amount of debt due, or remaining unpaid to said Bank on the 31st day of December, 1834, shall not exceed one-half of the amount of debt now due." Mr. Spaight moved to amend the amendment, by striking out the words "one-half," and inserting the words "two-thirds;" which amendment was agreed to; and the amendment, as amended, was agreed to. Mr. Mitchell moved further to amend the bill by striking out the second section, and inserting the following, to wit: "that after the 31st day of December, 1831, it shall not be lawful for the president and directors of said Bank to make loans of a greater amount, in any one year, than ten per cent. of their capital stock;" which amendment was not agreed to. Mr. M'Kay moved further to amend the bill by adding the following as an additional section at the end of the third section, to wit: "And be it further enacted, that it shall not be lawful for the president and directors of said Bank after the 31st day of December, 1831, to emit any bills or notes of said Bank under the denomination of \$5, or to re-issue any notes or bills under the denomination of \$5, that may have been by said Bank previously issued;" which amendment was agreed to—yeas 42, nays 14. The yeas and noes being demanded by Mr. M'Kay, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allison, Askew, Bell, Brower, Cowper, Crump, Davenport, Davis, Dick, Etheridge, Franklin, Harris, Hinton of W. Hinton of B. Hoke, Johnson, Love, M'Kay, M'Diarmid, M'Farland, M'Neill, Martin, Meares, Miller, Mitchell, Montgomery of H. Montgomery of O. Moore, Mosely, Moye, Pool, Ramsey, Riddick, Sherard, Sneed, Smith, Underwood, Walton, Welch, Williams of F. Williams of M. Wilson.

Those who voted in the negative, are Messrs. Beasley, Burgin, Burney, Davidson, M'Daniel, M'Entire, Marshall, Matthews, Melchor, Rainey, Saunderson, Spaight, Ward, Wellborn.

Mr. M'Kay moved further to amend the bill by inserting the following as an additional section, to wit: "Be it further enacted, the president, directors and other officers of said corporation shall not at any time hereafter, under any pretence whatever, directly or indirectly contract any other or further debt with the institution under their management, or with which they are connected;" which amendment was not agreed to—yeas 25, noes 31. The yeas and noes being demanded by Mr. M'Kay, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beasley, Bell, Brower, Burgin, Cowper, Crump, Davenport, Etheridge, Harris, Hoke, Johnson, M'Kay, M'Farland, M'Neill, Marshall, Martin, Matthews, Montgomery of O. Moore, Pool, Ramsey, Riddick, Sherard, Walton, Williams of F.

Those who voted in the negative, are Messrs. Allison, Askew, Burney, Davidson, Davis, Dick, Franklin, Hinton of W. Hinton of B. Love, M'Daniel, M'Diarmid, M'Entire, Meares, Melchor, Miller, Mitchell, Montgomery of H. Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Underwood, Ward, Wellborn, Welch, Williams of M. Wilson.

Mr. Montgomery, of O. moved further to amend the bill by adding the following as an additional section at the end of the bill, to wit: "And be it further enacted, that this act shall not take effect until the rise of the next Legislature;" which amendment was not agreed to—yeas 17, noes 37. The yeas and noes being demanded by Mr. Montgomery, of O. are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bell, Brower, Cowper, Hoke, Johnson, M'Kay, M'Neill, Marshall, Martin, Montgomery of O. Moore, Pool, Ramsey, Riddick, Sherard, Underwood, Walton.

Those who voted in the negative, are Messrs. Allison, Beasley, Burgin, Burney, Crump, Davenport, Davidson, Davis, Dick, Etheridge, Franklin, Harris, Hinton of W. Hinton of B. Love, M'Daniel, M'Diarmid, M'Entire, M'Farland, Matthews, Meares,



Melchor, Miller, Mitchell, Montgomery of H. Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M

Mr. Davidson moved further to amend the bill by striking out the following figures: "1830" in the 2d line of the 6th section, and insert the figures "1831;" which amendment was not agreed to. Mr. M'Kay moved further to amend the bill by adding the following at the end of the bill, to wit: "And whereas it may be the policy of some future Legislature to create a Bank of the State, or make some other investment of its funds; and it would, in such case, be advisable that the State should be enabled to receive of said Bank in good notes of individuals or other funds to the value of the stock which the State may own in said Bank, such stock to be exchanged at the rate at which the same shall have been valued, as is provided for in the fifth section of this bill: Therefore be it enacted, that the said Bank, when thereto required by law, shall transfer to the State, or its appointee, good debts or other funds, to an amount equal to the stock interest which the State has in it, such interest to be rated as is provided for by the said 5th section."—Which amendment was not agreed to—ayes 26, noes 29. The ayes and noes being demanded by Mr. M'Kay, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bell, Brower, Cowper, Crump, Davidson, Etheredge, Franklin, Harris, Johnson, M'Kay, M'Farland, M'Neill, Marshall, Martin, Matthews, Mitchell, Montgomery of H. Montgomery of O. Moore, Pool, Ramsey, Riddick, Sherard, Underwood, Walton.

Those who voted in the negative, are Messrs. Allison, Beasley, Burgin, Burney, Davis, Dick, Hinton of W. Hinton of B. Hoke, Love, M'Daniel, M'Diarmid, M'Entire, Meares, Melchor, Miller, Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M. Wilson.

Mr. Brower moved that the bill be indefinitely postponed; which was not agreed to—ayes 25, noes 31. The ayes and noes being demanded by Mr. Brower, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beasley, Bell, Brower, Cowper, Davenport, Etheredge, Franklin, Harris, Hoke, Johnson, M'Kay, M'Farland, M'Neill, Marshall, Martin, Matthews, Montgomery of H. Montgomery of O. Moore, Pool, Ramsey, Riddick, Sherard, Underwood, Walton.

Those who voted in the negative, are Messrs. Allison, Askew, Burgin, Burney, Crump, Davidson, Davis, Dick, Hinton of W. Hinton of B. Love, M'Daniel, M'Diarmid, M'Entire, Meares, Melchor, Miller, Mitchell, Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M. Wilson.

The question then recurring on the passage of the bill, as amended, the second time, it was determined in the affirmative—ayes 31, nays 25. The ayes and noes being demanded by Mr. M'Kay, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allison, Askew, Burgin, Burney, Crump, Davidson, Davis, Dick, Hinton of W. Hinton of B. Love, M'Daniel, M'Diarmid, M'Entire, Meares, Melchor, Miller, Mitchell, Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M. Wilson.

Those who voted in the negative, are Messrs. Beasley, Bell, Brower, Cowper, Davenport, Etheredge, Franklin, Harris, Hoke, Johnson, M'Kay, M'Farland, M'Neill, Marshall, Martin, Matthews, Montgomery of H. Montgomery of O. Moore, Pool, Ramsey, Riddick, Sherard, Underwood, Walton.

The bill being then read the third time, Mr. M'Farland moved to amend the bill by adding the following as an additional section, to wit: "Be it further enacted, if said corporation shall hereafter make an assignment of their debts and effects, the stockholders of said corporation shall be individually liable, in their private capacity, for a proportionate part of all the debt due by said corporation, to be recovered before any tribunal hav-



ing jurisdiction of the same, and the assignee or assignees shall be compelled to take all notes issued by said corporation, at par value, in the payment of debts due said corporation;" which amendment was not agreed to—ayes 21, noes 30. The ayes and noes being demanded by Mr. M'Farland, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Beasley, Bell, Brower, Burgin, Cowper, Franklin, Harris, Johnson, M'Diarmid, M'Farland, Marshall, Matthews, Montgomery of H. Montgomery of O. Moore, Pool, Ramsey, Riddick, Sherard, Underwood, Walton, Williams of F

Those who voted in the negative, are Messrs. Allison, Askew, Burney, Crump, Davenport, Davidson, Davis, Dick, Etheredge, Hinton of W Hinton of B. Hoke, Love, M'Daniel, M'Entire, Meares, Melchor, Miller, Mitchell, Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of M.

Mr. Montgomery, of Orange, moved further to amend the bill by adding the following proviso at the end, to wit: "Provided further, that nothing herein contained shall be so construed as to prevent any future Legislature from altering, modifying or amending this act, as they may deem expedient;" which amendment was not agreed to; and the bill, as amended, was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill for the improvement of the road from the Old Fort, in Burke county, to Ashville, in Buncombe county, was read the third time. Mr. Meares moved to amend the bill by inserting the following proviso at the end of the second section, to wit: "Provided nevertheless, that the said commissioners shall not be entitled to receive the said sum of two thousand dollars, until they give bond, with approved security, in the sum of four thousand dollars to the Governor, to repay the same in four years from the time the gate shall be erected, whether the tolls shall have amounted to the said sum or not;" which amendment was agreed to. Mr. Meares moved further to amend the bill by striking out the word "three," in the fifth line of the sixth section, and inserting the word "four;" which amendment was agreed to. Mr. Meares moved further to amend the bill by adding the following as an additional section, to wit: "And be it further enacted, that if at the end of four years from the erection of the gate aforesaid, the tolls shall not amount to the sum of two thousand dollars, the right to receive the same shall continue in said commissioners until they shall receive the sum which may be by them advanced, with interest on the same;" which amendment was agreed to. Mr. Montgomery, of Orange, moved further to amend the bill, by inserting after the words "two thousand dollars," the words "with interest;" which amendment was not agreed to; and the bill, as amended, was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to enable the Banks of Newbern and Cape Fear to wind up gradually, and to fix a uniform rate of collection, was read the second time. Mr. Meares moved to amend the bill by inserting the following at the end of the second section, to wit: "Be it further enacted, that after the first day of September, 1830, it shall not be lawful for the president and directors of said Banks, under any pretence whatever, to make any loans on what is called accommodation notes, or notes payable at longer periods than three equal instalments of ninety days each, except such note be offered in renewal of, or in payment, or in substitution for



some previously existing accommodation debt;" which amendment was agreed to. Mr. Meares moved further to amend the bill, by inserting the following proviso at the end of the 4th section, to wit: "And provided further, that the whole amount of debt due and remaining unpaid to said Banks on the 31st day of December, 1834, shall not exceed two-thirds of the amount of debt now due;" which amendment was agreed to. Mr. Meares moved further to amend the bill, by adding the following as an additional section, to wit: "And be it further enacted, that it shall not be lawful for the president and directors of said Banks, after the 31st day of December, 1831, to emit any bills or notes of said Banks under the denomination of five dollars; to re-issue any notes under the denomination of five dollars that may have been by said Banks previously issued;" which amendment was agreed to. Mr. M'Kay moved further to amend the bill by striking out the figures "1834" and inserting in the third line of the second section, the figures "1830;" which amendment was not agreed to—ayes 23, noes 34. The ayes and noes being demanded by Mr. M'Kay, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bell, Brower, Cowper, Crump, Davenport, Harris, Hoke, Johnson, M'Kay, M'Farland, M'Neill, Marshall, Martin, Matthews, Montgomery of H. Montgomery of O. Moore, Pool, Ramsey, Riddick, Sheppard, Underwood, Walton.

Those who voted in the negative, are Messrs. Allison, Askew, Beasley, Burgin, Burney, Davidson, Davis, Dick, Dickinson, Etheredge, Franklin, Hinton of W. Hinton of B. Love, M'Daniel, M'Diarmid, M'Entire, Meares, Melchor, Miller, Mitchell, Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M. Wilson.

The question then recurring on the passage of the bill the second time, it was determined in the affirmative—ayes 33, noes 24. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allison, Askew, Burgin, Burney, Crump, Davidson, Davis, Dick, Dickinson, Etheredge, Hinton of W. Hinton of B. Love, M'Daniel, M'Diarmid, M'Entire, Meares, Melchor, Miller, Mitchell, Mosely, Moye, Rainey, Saunderson, Spaight, Sneed, Smith, Ward, Wellborn, Welch, Williams of F. Williams of M. Wilson.

Those who voted in the negative, are Messrs. Beasley, Bell, Brower, Cowper, Davenport, Franklin, Harris, Hoke, Johnson, M'Kay, M'Farland, M'Neill, Marshall, Martin, Matthews, Montgomery of H. Montgomery of O. Moore, Pool, Ramsey, Riddick, Sheppard, Underwood, Walton.

The bill was then read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, stating that they have passed the engrossed bill fixing the fees of the clerks of the County and Superior Courts and sheriffs' fees, with sundry amendments; in which they ask the concurrence of the Senate. Whereupon the said several amendments were read and concurred in by the Senate, except those that provide that certain provisions of the said bill shall not extend to the counties of Nash and Craven; in which they do not concur, and the House of Commons were informed thereof by message.

The resolution for the Roanoke Navigation Company, was read the second time. Mr. Sneed moved to amend the resolution by adding the following proviso, to wit: "Provided that said last instalments shall not be paid until said company shall release all claim for interest for and on account of deferred payment of subscription on the part of this State;" which amendment



was agreed to, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they agree to the amendments made by the Senate to the engrossed bill for the improvement of the road from the Old Fort, in Burke county, to Asheville, in Buncombe county. Ordered that the said bill be enrolled.

Received also from the House of Commons messages, stating that they have postponed indefinitely the following engrossed bills, to wit: The bill to alter the mode of compensation to members of the Senate and House of Commons; the bill to authorise the issuing of Treasury Notes; the bill to authorise courts of justice to regulate the business therein; the bill concerning the summoning of jurors; the bill more effectually to prevent injury to stock; and also the certificate of allowance of the County Court of Hall county, Georgia, in favor of Jesse Halsey.

Received from the House of Commons a message, stating that they disagree to the amendments made by the Senate to the engrossed bill authorising the County Court of Burke to appoint commissioners to lay off a road from the Lincoln line to Jacob Mull's mill. Whereupon, on motion of Mr. Burgin, the Senate receded from the said amendments, and the bill was ordered to be enrolled, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating that they agree in the amendment made by the Senate to the engrossed bill concerning the State road in the county of Macon. Whereupon the said bill was ordered to be enrolled.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill concerning the distribution of the public arms to certain police authorities therein mentioned, and for other purposes.

On motion of Mr. Love, ordered that he have leave to withdraw from the files of the Senate the petition of Benjamin S. Britain, and the accompanying papers.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill for the application of all appropriations for the increase of the Public Library; a bill to authorise the justices of Moore county to compensate the clerk of the County Court and sheriff for their extra services; a bill to repeal an act, entitled an act to increase the fees of the register of the counties of New Hanover, Cumberland, Brunswick, Carteret and Craven, passed in the year 1817, so far as regards the county of Craven; and a bill to amend an act, passed in the year 1826, to appoint commissioners to superintend the building of a court house in the county of Surry, and for other purposes; in which they ask the concurrence of the Senate. Whereupon the two first mentioned bills were read the first time and ordered to be postponed indefinitely; and the two last mentioned bills were read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill for the better regulation of the town of Wilmington; a bill to amend an act, passed at the last session, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying



of executions issued by justices of the peace; and also the engrossed resolution in favor of Richard Roberts; and the engrossed resolution making compensation to the Treasurer, Comptroller and Secretary of State for certain services; in which they ask the concurrence of the Senate. Whereupon the first mentioned bill was read, and, on motion of Mr. Mitchell, ordered to lie upon the table; and the second mentioned bill being read, Mr. Meares moved to amend the bill by striking out all thereof after the caption except the two last sections, and make the title correspond thereto; which amendment was agreed to, and the bill, as amended, was read the first, second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments; and the resolutions were read the first, second and third times, and ordered to be enrolled.

The engrossed bill to alter the times of holding the elections in the county of Columbus, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they concur in the amendments made by the Senate to the engrossed bill to enable the Banks of Newbern and Cape Fear to wind up gradually, and fix a uniform rate of collection, with an amendment, to wit: in the amendment of the Senate marked B, strike out "1834" and insert "1832;" in which amendment they ask the concurrence of the Senate. Whereupon the said amendment was concurred in by the Senate, and the House of Commons were informed thereof by message, and the said bill was ordered to be enrolled.

Received from the House of Commons a message, stating that they agree to the several amendments made by the Senate to the engrossed bill to enable the State Bank to wind up gradually, and fix a uniform rate of collection, with an amendment, to wit: in the amendment of the Senate marked B, strike out "1831" and insert "1832;" in which they ask the concurrence of the Senate. Whereupon the said amendment was concurred in, and the House of Commons informed thereof by message, and the said bill was ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood, with sundry amendments; in which they ask the concurrence of the Senate. Whereupon the said amendments were read and concurred in, and the House of Commons were informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the engrossed bill to provide for the repairs of the State House and Arsenal, with amendment, to wit: in the first line of the second section, strike out the words "the sum of," and insert "a sum not exceeding;" in which they ask the concurrence of the Senate. Whereupon the said amendment was concurred in, and the House of Commons were informed thereof by message.

Received from the House of Commons the resignation of James M'Batter, a justice of the peace for the county of Montgomery, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

And then the Senate adjourned until to-morrow morning, 7 o'clock.



FRIDAY MORNING, JANUARY 8, 1830.

Received from the House of Commons a message, stating that that they do not concur in the amendment made by the Senate to the resolution concerning the Roanoke Navigation Company. Whereupon, on motion of Mr. Sneed, ordered that the said message, together with the resolution, be laid upon the table.

Received from the House of Commons a message, stating that they concur in the amendment made by the Senate to the engrossed resolution, in relation to a survey of Main Broad river. Whereupon the said resolution was ordered to be enrolled.

Received from the House of Commons a message, stating that they concur in the amendment made by the Senate to the engrossed bill to amend an act, passed at the last session, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, &c. Whereupon the said bill was ordered to be enrolled.

A message was sent to the House of Commons, stating that the Senate having acted on all the business before them, are ready to adjourn without day. Whereupon a message was received from the House of Commons, stating that they are also ready to adjourn without day.

On motion of Mr. Sherard,

*Resolved unanimously*, That the thanks of the Senate be presented to the Honorable David F. Caldwell, Speaker thereof, for the able, impartial and dignified manner in which he has discharged the duties of the Chair.

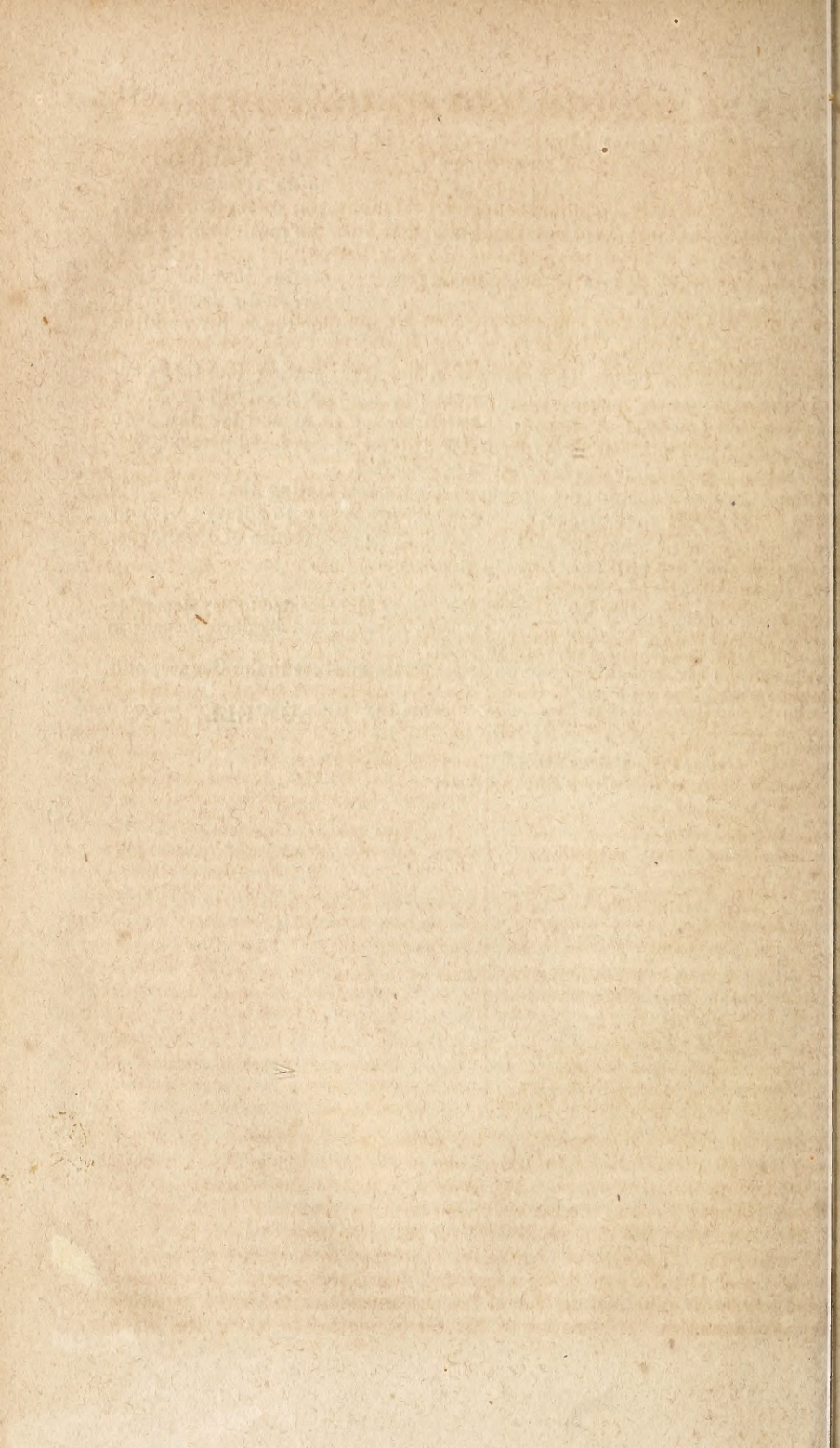
Whereupon Mr. Speaker made an appropriate address to the Senate, and adjourned the same *sine die*.

D. F. CALDWELL, S. S.

By order.

SAML. F. PATTERSON,  
Clerk of the Senate.







# JOURNAL OF THE HOUSE OF COMMONS.

At a General Assembly, begun and held on Monday, the 16th of November, in the year of our Lord one thousand eight hundred and twenty-nine, and fifty-fourth of the INDEPENDENCE OF THE UNITED STATES, it being the first session of this General Assembly:

On which day, being that appointed by law for the meeting of the General Assembly, the following Members of the House of Commons appeared, produced their credentials, were qualified, and took their seats, to wit:

<i>Anson</i> , William A. Morris, Joseph White.	<i>Lincoln</i> , Bartlett Shipp, Andrew Loretz.
<i>Ashe</i> , James Calloway, Zachariah Baker.	<i>Martin</i> , Jesse Cooper, William Watts.
<i>Beaufort</i> , Samuel Smallwood, John W. Williams.	<i>Mecklenburg</i> , William J. Alexander.
<i>Bertie</i> , William S. Mhoon, Alexander W. Mebane.	<i>Montgomery</i> , Reuben Kendall, Jas. M. Lilly.
<i>Bladen</i> , Robert Melvin.	<i>Moore</i> , Wm. Hancock, Duncan Murchison.
<i>Brunswick</i> , John J. Gause, Marsden Campbell.	<i>Macon</i> , James Whitaker, Asaph Enloe.
<i>Burke</i> , David L. Swain, William Orr.	<i>Nash</i> , Duncan York.
<i>Burke</i> , Joseph Neill, David Newland.	<i>New Hanover</i> , William S. Larkins, Patrick Murphey.
<i>Cabarrus</i> , Daniel M. Barringer, William McLean.	<i>Northampton</i> , James T. Hayley, R. B. Gary.
<i>Camden</i> , Thomas Dozier, Abner H. Grandy.	<i>Onslow</i> , Rich'd P. Hatch, John B. Thompson.
<i>Curvett</i> , J. S. W. Heffen, David W. Borden.	<i>Orange</i> , Thomas H. Taylor, John Stockard.
<i>Caswell</i> , John Wilson, James Kerr.	<i>Pasquotank</i> , Thomas Jordan, Thomas Bell.
<i>Chatham</i> , Joseph J. Brooks, Nathl. G. Smith.	<i>Perquimous</i> , Thomas Wilson, Benj. Mullin.
<i>Chowan</i> , William Byrum, George Blair.	<i>Person</i> , Thos. Webb, Thos. M. McGehee.
<i>Columbus</i> , Luke R. Simmons, Rich'd Wooten.	<i>Pitt</i> , Alfred Moye, William Clark.
<i>Craven</i> , Nathaniel Smith.	<i>Randolph</i> , Alexander Cunningham, Abraham Brower.
<i>Cumberland</i> , Alex. McNeill, Alex. Buie.	<i>Richmond</i> , Neill Nicholson, James Murphey.
<i>Currituck</i> , Willoughby D. Barnard, Benj. T. Simmons.	<i>Robeson</i> , John Purcell, John Brown.
<i>Davidson</i> , Wm. W. Wiseman, Lewis Snyder.	<i>Rockingham</i> , Wilson S. Hill.
<i>Duplin</i> , William Wright, John Farrier.	<i>Rowan</i> , Thos. G. Polk, Richmond Pearson.
<i>Edgecomb</i> , Moses Baker, Gray Little.	<i>Rutherford</i> , James Graham, James M. Carson.
<i>Franklin</i> , Wm. Branch, Thos. T. Russell.	<i>Sampson</i> , Dickson Sloan, Archibald Monk.
<i>Gates</i> , Wm. W. Stedman, Risup Rawls.	<i>Stokes</i> , John Banner, John Butner.
<i>Granville</i> , James Wyche, Spencer O'Brian.	<i>Surry</i> , Alfred C. Moore, Ephraim Hough.
<i>Greene</i> , James Harper, Arthur Speight.	<i>Tyrrell</i> , Daniel N. Bateman, Fred. Davenport.
<i>Guilford</i> , George C. Mendenhall, Francis L. Shupson.	<i>Wake</i> , Wesley Jones, Samuel Whitaker.
<i>Halifax</i> , Jesse A. Bynum, Thomas Nicholson.	<i>Warren</i> , William G. Jones, John H. Green.
<i>Haywood</i> , James R. Loye, Ninian Edmonston.	<i>Washington</i> , James A. Chesson.
<i>Hertford</i> , J. H. Wheeler, Elisha A. Chamlee.	<i>Wayne</i> , James Rhodes.
<i>Hyde</i> , Foster Jarvis, Marvell Wilkinson.	<i>Wilkes</i> , William Horton, Montfort Stokes.
<i>Johnston</i> , Hillory Wilder, Allen Richardson.	<i>Town of Salisbury</i> , Charles Fisher.
<i>Jones</i> , Alfred Stanly, Owen B. Cox.	<i>Hillsborough</i> , Frederick Nash.
<i>Fredell</i> , Joseph M. Bogle, William King.	<i>Halifax</i> , William L. Long.
<i>Lenoir</i> , Allen W. Wooten, Council Wooten.	<i>Edenton</i> , Samuel T. Sawyer.
	<i>Newbern</i> ,
	<i>Wilmington</i> , Joseph A. Hill.
	<i>Fayetteville</i> ,

A quorum of the whole number of the members being present, Mr. Gary moved that William Julius Alexander, one of the members of Mecklenburg county, be appointed Speaker. Mr. Bynum added to the nomination the name of Charles Fisher, the member representing the town of Salisbury; and Mr. Borden added that of Joseph A. Hill, the member from the town of Wilmington. An election by ballot thereupon took place for Speaker, Mr. Gary and Mr. Borden being appointed superintendents. On examining the ballots, it appeared neither of the persons nominated had a majority of the whole number. On motion of Mr. Gary, another balloting took place.



under the superintendence of the same gentlemen, and the result was the same as in the previous balloting. Whereupon a third balloting took place under the superintendence of the same gentlemen, and the result was found to be as in the two previous ballotings. Whereupon a fourth balloting took place, *Mr. Hill* previously having withdrawn his name from the nomination; and, on examining the ballots, a majority of the whole number was found to be in favor of *Mr. Alexander*, who was duly elected Speaker, and conducted to the Chair by *Mr. Gary*; from whence he made his acknowledgments to the House.

On motion of *Mr. Gary*, *Pleasant Henderson* was appointed Principal Clerk, and *Charles Manly*, Clerk Assistant.

On motion of *Mr. Newland*, *John Lumsden* was appointed Principal, and *Richard Roberts* Assistant Doorkeeper.

The House then, on the motion of *Mr. Newland*, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 17, 1829.

*John W. Sasser*, one of the members of the county of *Wayne*, and *Evan Alexander*, one of the members of *Mecklenburg* county, appeared, produced their credentials, were qualified, and took their seats.

On motion of *Mr. Nash*, ordered that a message be sent to the Senate, informing them of the organization of this House, and of its readiness to proceed to the despatch of public business.

On motion of *Mr. Gary*,

*Resolved*, That *Mr. Gary*, *Mr. Swain* and *Mr. Bynum* be a committee to prepare and report Rules of Order for the government of this House; and that, in the interim, the Rules adopted at the last session of the Assembly be regarded as in force.

A message from the Senate, informing of their organization, having appointed *Bedford Brown* Speaker; *Samuel F. Patterson*, Clerk; and *William J. Cowan*, Assistant Clerk; *Thomas B. Wheeler* and *Robert Ray*, Doorkeepers; and of their readiness to proceed on public business.

On motion of *Mr. Wheeler*, ordered that a message be sent to the Senate, proposing to raise a select joint committee for the purpose of waiting on his Excellency the Governor, and informing him of the readiness of the two Houses to receive such communications as he may think proper to make.

On motion of *Mr. Wyche*, ordered that a message be sent to the Senate, proposing to ballot immediately for three engrossing clerks; and informing that *Thomas Dewes*, *Thomas G. Stone*, *Willis L. Williams*, *John C. Stedman*, *Thomas Whitaker*, *John W. Covington*, *Nathaniel J. Palmer*, *James A. Vaughan*, and *Hayes F. Shipman*, are nominated for the appointments.

A message from the Senate, consenting to raise a select joint committee to wait on the Governor, and inform him of the readiness of the two Houses to receive any communication that he may think proper to make; and informing that *Messrs. Miller* and *Franklin* form the committee on their part.

Ordered that the Senate be informed by message, that *Mr. Pearson* and *Mr. Moon* form the select joint committee, raised for the purpose of waiting on his Excellency the Governor, and to inform him of the readiness of the two Houses to receive any communications he may please to make.

A message from the Senate, informing of their assent to ballot immediately for three engrossing clerks, and adding to the nomination the name of *Joseph Simpson*; and informing further, that *Mr. Askew* and *Mr. Marshall* form the committee of superintendence on their part.



On motion, ordered that the Senate be informed by message, that Mr. Wyche and Mr. Stedman form the committee to conduct the balloting for engrossing clerks on the part of this House.

On motion, ordered that Mr. Mebane have leave of absence from this day until Thursday next.

Mr. Mhoon, from the select joint committee appointed to wait on his Excellency the Governor, reported that the committee had performed that duty, and that the Governor would, at 12 o'clock this day, make a communication.

The resignations of Joshua Sowls, John Faulk, Jacob Powell, of Columbus county, and Cyrus P. Conly, of Burke county, justices of the peace, were presented, read and accepted.

Mr. Wyche, from the committee appointed to superintend the balloting for three engrossing clerks, reported that the committee had performed that duty; and that it appeared Thomas Dewes and Thomas G. Stone had each a majority of the whole number, and were duly elected. The question to concur with the report, was determined in the affirmative.

Received from his Excellency the Governor, by his Private Secretary, Mr. Muse, the following communication:

*To the Honorable the General Assembly of North Carolina.*

GENTLEMEN,—Assembled under the provisions of the Constitution, “to consult for the common good and general welfare,” you bring with you a more general knowledge of the wants of our fellow citizens in the various sections of the State, and are better acquainted with their wishes and interests, than any individual, however exalted the station he occupies, as the reward of your favour. To this fact, probably, not less than to the power you possess of making laws affecting the life, liberty and property of our fellow citizens, is to be ascribed the intense interest which is felt and expressed throughout the State, at each returning anniversary of the General Assembly; and perhaps no period of our political existence has found our Legislators assembling, with the prospect of being occupied in the discussion of subjects affording more general interest, calling for greater deliberation and talents, and promising more extended benefits, or the reverse. And what abundant cause of gratitude and grateful acknowledgment have we, to the giver of every good and perfect gift, that the representatives of the people are permitted to assemble and deliberate upon their concerns, in the undisturbed possession of civil and religious liberty, the boon of Heaven, and at a moment of profound peace, no less the gift of him who governs the universe.

The attention of the Legislature has been so frequently invited by my predecessors, and so often directed by their own wisdom to the great cause of Internal Improvement, that, were it not for its immeasurable importance to the happiness and prosperity of the State, it might be deemed an act of supererogation, again to call your attention to it; but the people of the State, in their primary meetings, and their representatives in the General Assembly, have so often manifested a disposition to improve their commercial facilities, both for foreign and domestic intercourse, that to pass it over in silence, might be deemed reprehensible in the Executive, and not less so in the Legislative Department of the Government. And having commenced this great work, which, with a general diffusion of morals and education among all classes of our citizens, is the most elevated policy which wisdom has suggested for the development of our moral and intellectual energies, it is our duty to pursue it, until we have attained that rank and station in the graduated scale of the union, to which we shall be entitled by a judicious improvement of the means, with which the God of nature has so abundantly blessed us. And if the system of Internal Improvement we have adopted for this purpose be defective, which our many abortive enterprises prove but too clearly, (and it would be strange to expect it otherwise in the morning of its existence,) let us, rising above the influence of despair, and with a unanimity and zeal worthy of so glorious a cause, apply the remedy. But if, after a candid examination of the whole subject, with no other object in view than “our country and our country's good,” our means are believed incompetent to any work of Internal Improvements,



(however gloomy the picture it may present,) let us, with equal unanimity, abandon it, until our hands be strengthened. Yet where shall we look for strength but to a liberal system of internal improvement, as the foundation of public education, and the basis of all national prosperity.

The friends of internal improvement, look to the present Legislature with much solicitude, and your present vocation is at once an evidence that you are familiar with the sentiments of the people on this subject, and that they repose great confidence in you. This confidence is a sure guaranty that any measure you may adopt in regard to it, will meet their approbation. Every patriotic and enlightend citizen of the State is earnest in the enquiry, why so much money has been expended in the employment of Civil Engineers, assistant surveyors, &c. and so little in connection with this subject has been done? Our Engineer's office abounds with plots and surveys of swamps, roads and rivers; but little practical improvement has been effected. And no great or valuable improvement can be accomplished without an effective force, and this, too, continually at the disposal of the State. The absence of such a force, would seem to account for the unsuccessful attempts already made, and promises no better result from any future enterprize until the cause be removed. To acquire this force, but two methods can be suggested—by hire or by purchase. No reason can be conceived why that course which an individual pursues with the best results in the management of his private concerns, should not also be the best for the State in the prosecution of a similar enterprize. Individuals who hire slaves, soon become embarrassed. If *they* cannot succeed in the management of this kind of labour, it is but reasonable to suppose the State cannot. Her interest to be secure, must flow in the same channels which have been marked out and pursued by her most successful and enterprising citizens. They acquire by purchase all the valuable slaves they can, and with their labour clear, cultivate and improve their lands, and with a sure and steady pace move onward to wealth and all its enjoyments.

If, in the more healthy parts of the State, labour of a different kind may be advantageously employed in the construction of roads or the improvement of rivers, it is very evident that in those sections, where our most valuable unappropriated lands lie, slaves constitute the only effective force. With them our swamps must be drained and our rivers opened, or the former remain the abodes of noxious animals, and the latter, a mere apology for navigable streams. Such is the demand for slave labour, they cannot be had for hiring, without great sacrifice; and those hired for short periods, cannot be properly disciplined. To employ white labourers to drain our swamps, cannot succeed. They have not the physical ability. There cannot be found a single instance in the low country of the Southern States, where even a farm on an extensive scale has been cleared and cultivated by this species of labour, and the most liberal wages cannot effect it. It is evident, then, from a moment's reflection, that the State is reduced to the necessity of either giving up all pretensions to improvements upon a large scale, or to make an appropriation to purchase labourers, commensurate with the work to be performed, and to cease to think of employing any longer a species of force, which both public and private experience demonstrate to be unfit. And if an individual, stripped of every advantage but his strength and dexterity can purchase of these lands and become wealthy, why may not the State, with all her advantages, make it profitable to bring into active operation her millions of them? And instead of crippling enterprize and driving from her bosom the most valuable and enterprising of her sons by a neglect of her means, give vent by rail roads and improved navigation through her own seaports to the produce of her own soil, increased four fold by a judicious system of internal improvement, which, persevered in with diligence and economy, shall ere long exhibit us to our sister States full of wealth and happiness.

The States of South Carolina and Virginia, already awakened to their true interest on this important subject, have assumed an imposing attitude, and unless something effectual be done, to give direction to the products of our own soil, through our own seaports, North Carolina, in her intercourse with these her sister States, must still contribute to their advancement, a large portion of the profits of her industry.

The Board of Internal Improvement, in their report to the Legislature in 1827, recommended that steps should be taken to ascertain the certain amount of produce annually exported from the State.—Permit me again to call your attention to it, as a subject of vast importance to correct legislation. Destitute of the aids which it is calculated to afford, we are completely at sea without land mark or compass, on the



all important point of determining the ability of any given portion of the State, to supply its quota of expense, for works of permanent utility.

The good effects on the people of our State, in relation to their opinions on the subject of internal improvements, which the adoption of this measure would produce, cannot, I think, be doubted. Its tendency is, to instruct them as to the immense amount they annually lose by a sickening system of transportation to foreign markets, while it demonstrates their resources for constructing and supporting better ones at home. Instead of surmise and wild conjecture on this point, they will have calculations based on facts, official and indisputable.

The information contemplated by the measure is such, as should be in the possession of every statesman and legislator; for it comprehends the wealth of the State, and, in no small degree, its moral power, *with which*, when they may be wanted, numbers may be commanded.

The enlightened liberality of the framers of our Constitution, and the Legislature of an early day, have done much for the cause of learning, by establishing an institution in the centre of our State, in which the higher branches of science are taught as successfully, as in any similar institution in our country, and is the only monument of learning within the State of North Carolina, to which the eye of the stranger or the citizen patriot may be directed, with any emotions of pride and patriotism. It will at once be understood that my allusion is to our University. Much remains, however, to be done, towards perfecting and giving permanency to this institution; and its situation at this time, calls more loudly for legislative interposition and patronage, than at any former period of its existence. Its funds, which promise at some future day to be equal to its necessities, are yet locked up beyond the reach of those, to whose guardianship it has been committed by the Legislature; and this institution, proudly claimed by some of our most distinguished citizens as their alma mater, is permitted to languish, for the means which it is deemed within the power of the Legislature to furnish, without injury, or even hazard to the State. A considerable sum of money which has been appropriated to the establishment of a Literary Fund, has not yet been invested in any of the Banks of the State, and the commissioners charged with its management, have determined to purchase no more bank stock. It is then, respectfully submitted to the Legislature, how far it may be advisable, and whether it is not within the legitimate object of the Legislature which created this fund, to authorize the commissioners to loan to the trustees of the University from time to time, any part, or the whole of the monies thus appropriated, which have not been applied to the purchase of stock, taking their bond with such interest as may be agreed upon, or fixed by the Legislature, for the repayment of the same.

The importance of preserving in a flourishing condition such a seminary within our own borders, is obvious. It prevents a large amount of money from being disbursed abroad and among strangers—our young men are saved from forming prepossessions in favor of foreign seminaries and foreign manners—they are enabled to study with more effect the political institutions of the State—imbibe a greater reverence for whatever is good and virtuous among ourselves—and avoid a prejudice against that state of society which we now have in the southern States, and which must be, much as we may deprecate it, coexistent with the Union.

The influence of early education upon the well being of society, and upon the present and future happiness of the human race, is admitted by every enlightened nation of the earth; and the responsible duty of disseminating it, devolves with peculiar force upon the statesman and legislator. So completely is the formation of character under its control, that every effort should be made, by encouraging the good, and checking the evil tendencies of our nature, to direct the virtuous energies of the mind, both by moral and intellectual education, into paths of usefulness. And that the standard, both of learning and virtue, may be more elevated, a system of public education should be adopted, by which the thousands of the rising generation in our own State, who seemed doomed to a life of ignorance, if not of folly and vice, without the fostering care of the Legislature, shall be enabled to acquire knowledge of the most useful kind—their tender minds trained to a love of order and virtue—and where industry and a reverence for the laws, shall be duly inculcated.

In the present enlightened age of the world, when the favorite scheme of the philanthropist throughout the habitable globe, seems to be the bountiful distribution of knowledge, wherever there is human intellect to receive it, and under the improved modes and methods of instruction, which have been introduced into the primary schools both of Europe and America, contributing so much to the ease with which elementary learning may be acquired, let us no longer permit the youth of our State, to launch upon the ocean of life, there to shape their course without at least, the rudiments of science.

In proportion to the ease with which an education may be acquired in other countries,



and the facilities afforded by their governments for this purpose, so should we feel its importance among ourselves; and with an enlightened wisdom, peculiarly characteristic of the present age, should North Carolina attest her belief in these principles by a liberal provision for the education of her children, until the development of intellect, and the establishment of truth, shall have placed us equally above the reach of civil tyranny, and ecclesiastical usurpation. The vast importance of this subject, has frequently claimed for it the consideration of the Legislature—and a report upon it by some of the most distinguished citizens of the State, under a resolution of the Legislature of 1824, will be found among the archives of the State. Accompanying this communication will also be found a plan for the establishment of primary schools in North Carolina, submitted by a gentleman, whose opportunities for observing the practical operation of the public schools of the northern States, entitle his opinions to influence, and the benevolence of the attempt to adapt them to the peculiar situation of his adopted State, will secure to him the gratitude of its citizens.

I have also been enabled to procure, and herewith transmit you, an account of the common schools in New Jersey, and the school system of New York, Connecticut, Rhode Island, Vermont, Massachusetts, New Hampshire and Maine. These several documents are believed to contain the fullness of information upon this most interesting subject, calculated to shed all necessary light on the path of the Legislature, in regulating this important branch of our public economy.

It is respectfully submitted, whether some measure should not be adopted by the present Legislature, preparatory to the profitable investment of the large amount of funds now owned by the State in its banking institutions, and for enabling *these*, to close their concerns before the expiration of their charters in 1835; and, as an increased vigilance is called for in proportion to the near approach of this period, to secure as far as possible the interest of the State, it is with deference suggested to the consideration of the Legislature, that they be authorised to lessen the number of Directors in these corporations, and particularly in the State Bank; and that this latter institution be permitted to close its concerns, by discontinuing its branches alternately, at intervals of not less than nine months, commencing with that branch where the greatest facilities are afforded without its aid, for obtaining Bank loans, and where, consequently, the relations between debtor and creditor will be least disturbed—and terminating with the mother Bank.

In this way, the Bank will have the benefit of all its capital, to retire from circulation the notes of one of its branches at a time; and the citizens of the State will not feel so sensibly the pressure of a diminution of currency—an evil always incident to the sudden winding up of the affairs of a monied institution. It is not to be presumed that men of competent skill in the management of this matter, requiring not only talents, but a sacrifice of time, will consent to make that sacrifice without a due compensation, either in the form of salary, or Bank accommodation. In this latter mode, have all our Directors been rewarded for their services—seldom to their benefit, and often to the great loss of the Banks.

The proper regulation of the circulating medium, is acknowledged by the ablest writers on political economy, to be as difficult, as it is important to the welfare of a State. The system of banking, by which it has been attempted, and which, like many other systems, both good and bad, has been handed down to us from the British government, is not without its warm advocates, and those who are no less opposed to it from principle. But we are at no loss for evidence, that the mode in which it has been conducted among ourselves, is subversive of morals, and has been productive of wide spread ruin. To effect an improvement in the system, every Legislature in the Union has been employed, and a thousand essays addressed to the sound understanding of the citizens of the country.

The principle of gain, upon which banking is conducted, being the value of currency in circulation above the value of coin retained in their vaults to meet the demands against them, every precaution should be used to prevent the excessive issue of their paper above the available capital of the Bank; for all experience shews, not only that there is a tendency in paper money to depreciate, but that no corporation, invested with the power of an unrestricted issue of paper money, has failed to abuse it. Should the power, then, to supply the State with paper money, be vested in individuals, forming themselves into private banking companies, it cannot reasonably be expected, that the public interest should claim as much of their attention, by preventing the endless recurrence of ruinous variations in the supply of money, and giving stability



to the currency and the pecuniary transactions of the country, as the advancement of their own interest; nor is it to be supposed that they will be scrupulous in promoting this, because others are to suffer.

The love of gain, which exerts such vast influence over the human mind, will operate with the stockholder of a Bank, to, at least, its legitimate extent. If kept within proper bounds, it exercises a salutary influence upon society, and happily transfuses itself into the government of a country, and deserves its encouragement; but, if pressed beyond its legitimate bounds, and is sanctioned by chartered privileges from the State, it becomes an engine of avarice and ambition.

So long, then, as the Legislature shall choose to delegate to any set of individuals the power, the important trust of supplying the State with currency as a substitute for the precious metals, it should have ample security that the latter be not driven out of the State by them, and that the public shall lose nothing either by their improvidence or fraud. This principle has been recommended by one of the most distinguished statesmen of the present day, and is recognised by the Legislature of an enlightened State, as the proper basis of banking operations.

An increase of circulating medium, as a means of extricating our citizens from debt, is believed to be visionary, and can only have the effect of procrastinating the evil day, which must sooner or later arrive, and with an accumulation of interest in proportion to its remoteness, and with a greater certainty of ruin; for there is no fact better established, than that the profits of agricultural labour, are not equal to the legal interest of money. If the wisdom of economy, which we must of necessity have been taught, is not sufficient to drive us to the practice of this cardinal virtue, and its handmaid industry, by which alone we can be relieved from our embarrassments, it is much to be feared, that every attempt to effect it by legislation, will be little better than political quackery, and rather adding to the load of debt and difficulty.

The Judiciary, which has always been, and with much propriety, the favourite branch of the government, cannot be guarded with too much care. Upon the purity and ability with which the laws of the country are administered, depend all our rights and happiness, in connection with liberty and property. The Judicial districts into which the State has been divided, are believed to be too large, and the eastern circuits particularly, to require a new organization, to prevent the waste of life, and the delay of justice, incident to the present arrangement. In connection with this subject, permit me to call your attention to the pardoning power; which, in every government, is wisely placed somewhere, and by the Constitution of our State, is very properly given to the Executive; to be exercised by him, when a fit case for clemency occurs. But the ease with which an artful man can make a homicide in the first degree, appear a homicide in the second or third; or a felony appear a breach of trust; and the better feelings of our nature all turning to the side of mercy, by which petitions, filled to great length, by respectable names, are easily obtained, thereby embarrassing the Executive in the discharge of his official duties; it is respectfully submitted, how far it would add to the public demonstration of the majesty of the laws, and be productive of a deep and salutary effect on the public mind, to require the judge presiding on the trial of any criminal, to make out, at the instance of the convict, an abstract of the evidence in the case, to be submitted by him, with his petition for pardon, to the Executive.

In obedience to a resolution of the last General Assembly, directing the Board of Internal Improvements to collect evidence concerning the obstructing the navigation of the Cape Fear river, below the town of Wilmington, during the revolutionary war, for purposes of defence, and the opinion of the Civil Engineer of the State as to the probable effects on the navigation of said river by such obstructions, the depositions of several of the most respectable citizens in that vicinity, and some of them aiding in the very operation, together with the opinion of Mr. Nash, on the subject referred to him, were forwarded to our Senators in Congress, and immediately met the favourable consideration of that body. An appropriation of \$20,000 was made to remove the obstructions, and the work is now going on exclusively under the direction of the General Government. Of a similar character is the improvement of the navigation of Ocracoke Inlet, for which, appropriations to the amount \$41,000 have been made by Congress.

That these works, promising such advantage to the State, and of such vital interest to the towns of Newbern and Wilmington, carried on under the fostering care of the General Government, conducted by Engineers of competent skill and with adequate funds, will be consummated, we have the guaranty of the government, in the liberal appropriations already made, and in their established practice of never abandoning a work of usefulness, in an unfinished state.

But a work of still greater importance, both as it regards the interests of the State, and of the United States, calls loudly for your attention, and, through you, for the attention of Congress. If there be a work more peculiarly national in its character than any other in which the State of North Carolina can have a direct interest, it is the opening a communication from the Albemarle Sound to the Atlantic Ocean. Until such an outlet can be formed, a vast proportion of the products of the State will find a market through the ports of Virginia, and we shall still be tributary to that State. The difficulties of getting to sea from this extensive and commodious bay, watering a tract of country, not inferior in point of fertility to any part



of the world, and fed by tributary streams from every direction, one of the first commercial towns in the southern country would grow up on its borders, and afford a market for the products of industry, which could not fail to quicken vigilance throughout our State. And in answer to the question, "how will the execution of the project affect the interest of the Union?" permit me to use the strong language of the Board of Engineers of the United States: "Without entering," say they, "into an examination of the political effects of the proposition which has come under our consideration, and in which the particular interests of the State may possibly run counter to those of the Union, an examination to which we do not consider ourselves called by our instructions, nor qualified by due preparation, we shall merely remark, that if the plan be carried into successful execution, *whether we consider the profits of commerce, the dangers of shipwreck, pursuit by an enemy, or convenience as a point of departure and refreshment for our own privateers and vessels of war, a harbour will be formed precisely in that part of the coast, where it is most needed.*" With these liberal and enlightened views of the agents of the General Government, beckoning us on to an enterprise so replete with interest and importance to the State, shall we, as though conscious of inferior claims upon that government which we have contributed our full share of blood and treasure to establish and maintain, fold our arms in quietness, as though we had neither part nor lot in the matter? Or shall we not rather, cherishing an exalted pride and generous patriotism, call on Congress, through our Representatives in that body, the proper organs of such a call, to unlock the doors which shut us out from the commerce of the world?

The Yadkin river, extending its branches in different directions, almost from the extreme south, to the extreme northern boundary of the State, and watering one of the most interesting portions of its territory, rendered so by the density of its population, the salubrity of its atmosphere, and the fertility of its soil, must find an outlet to the ocean, for its rich and abundant articles of commerce, either through the Cape Fear river, or through South Carolina by means of the Pedee. Under these circumstances, and a patriotic determination to divert this commerce from passing to its ultimate destination through foreign ports, and to concentrate as far as possible the wealth of the State, it is with much earnestness recommended, that a communication between the Yadkin and the Cape Fear, either by a well finished turnpike or rail road, be established. And that the practicability and utility of the latter may be tested, it is again submitted to the consideration of the Legislature, to construct one from the town of Fayetteville, to the river at Campbellton, as was suggested by my predecessor. This mode of increasing the commercial facilities of a country, and thereby bettering its internal condition, appears to be gaining ground so fast in the estimation of men of science, that it can be hazardous very little, for the State to order such a work to be constructed, between two points so nearly contiguous, and over which the transportation is so great.

Among the subjects which will occupy the attention of the Legislature, is the management and disposal, of that portion of the public lands, to which the Indian claim has recently been extinguished, lying principally, in the county of Macon. What that disposition will be, is for you to determine. A portion of these lands having been surveyed under the direction of a former Legislature, it is respectfully submitted, whether that portion should not be disposed of by an Agent or Agents, appointed under your direction, and the residue, made the subject of entry, as other vacant lands of the State, at a price to be fixed on by the Legislature. But, as there are strong reasons to induce a belief, that on some of those lands there are valuable deposits of the precious metals, it is also submitted to your consideration, how far it may be promotive of the public good, and compatible with the principles of our Government, to secure to the State, an interest in all the mines and minerals which now are, or may hereafter become, the subject of entry. Should this view of the subject meet the approbation of the Legislature, it is respectfully recommended, that a scientific mineralogist and a practical miner (if the latter can be had,) be employed to explore the public lands, to ascertain what portion, if any, for mining purposes, it may be to the interest of the State to retain. This examination I have no doubt could be satisfactorily made in a few months, under the direction of the able professor of Chemistry and Mineralogy in our University, whose labours have already thrown so much light on this subject, and from which the State is likely to derive such incalculable benefits.

An elegant map of the State of New Jersey, not inferior in any respect to the splendid one received last year of the Commonwealth of Virginia, has been presented us by that State; and we are in daily expectation of receiving one of the States of Missouri and Illinois, and the Territory of Arkansas. You were reminded by my predecessor, that we had from time to time received maps of different States and Territories, and that a due regard to courtesy, would seem to require of us to reciprocate the kindness, as soon as practicable.

The importance of a correct map of a State, must be apparent even to a superficial inquirer; and one elegantly executed, is very properly a subject of State pride. Virginia, at an expense of sixty-six thousand dollars, and South Carolina, at the enormous sum of ninety thousand, have had their respective territories surveyed, and maps executed, which do honor to the artist, and are of incalculable advantage to the country, both in a civil, and military point of view. The surveys in the office of the Board of Internal Improvements, made by



order of the State, those made by the several navigation companies of our primary rivers, and an elegant map of the coast, made by United States' engineers, together with the numerous surveys of western roads, and boundaries of the extensive swamps to the east, and geological charts furnished by Professors Olmstead and Mitchell, form so much of the ground work of a correct map of North Carolina, upon which the rising generation of the State may trace her extensive territory, and calculate her abundant resources for the prosecution of those great works of Internal Improvement, which must sooner or later be undertaken, that I feel it my duty, again to bring the subject before you, and to ask for it the favourable consideration of the Legislature.

Before closing this communication, could I discover any reasonable prospect of a beneficial result, it would afford me pleasure to direct your attention to our militia, as a subject deeply interesting in itself, and recognised by the Constitution, as being identified with the rights and liberties of our country; but there are difficulties growing out of the organization and discipline prescribed by Congress, which, during its operation, must forever baffle every exertion to accomplish the important object, "a well trained and disciplined militia." The act of Congress of 1792 on the subject of the militia, holds to service all free white males between the age of eighteen and forty-five. Since the period of the passage of that act, our population has nearly quadrupled, and, consequently, the number of persons subject to militia duty, has increased in the same ratio, making the number between those ages, little less than two millions—a force, which, it is believed, no exigence of the country can ever require.

To subject, then, so large a portion of the community, as is required by the above act, to the performance of militia duty, and to a course of training indispensable to the attainment of that degree of discipline necessary to render them effective in service, would be imposing a tax on the time of our citizens, which neither *their* circumstances nor the interest of the country would justify. It would seem evident, then, that no important improvement of the militia, can be effected, till Congress shall adopt an organization, upon which, a system of training can be predicated, competent to the end proposed. This view of the subject seems to have been so generally taken by the most eminent military men of the country, as to have established it, so far as their concurrent testimony will go, as true; and that the militia laws, as generally enforced and observed in the middle and Southern States, instead of advancing the military art, is productive of a contrary effect, by engendering vicious habits, encouraging intemperance, and, consequently, a spirit of insubordination.

By an act of the Legislature, the Governor is authorized to distribute the public arms among the volunteer companies of the State; and, under this act, frequent requisitions of them are made of the Executive. But experience having shewn, that, in consequence of the short lived existence of most of our volunteer companies, the State has sustained greater losses in the loan of them, than benefit from their use, it has been deemed expedient to suspend for a season their further distribution, unless it be at a few points, where sudden invasion, or other danger, may render it as a precautionary measure, expedient.

In every instance where volunteer companies have been dissolved, with the arms of the State in their hands, embarrassment has occurred in their collection; much loss in their number; and still greater sacrifice in their general abuse—and securing to the State the value of the arms, which can seldom be done with certainty, does not do away the principal objection which exists to the loan of them; as their value in money, cannot be deemed an equivalent to their importance to the State when they shall be required for its defence. It is, therefore, respectfully submitted, whether the power of the Executive over the public arms, should not be restricted to the emergency of "repelling invasion or suppressing insurrection," or to the reasonable apprehension of such a calamity.

The death of Chief Justice Taylor, which occurred soon after the rise of the last Legislature, produced a vacancy on the bench of the Supreme Court, which was filled under the provisions of the Constitution, and by the advice of the Council of State, by granting the temporary commission (to terminate with the present session of the General Assembly) to John D. Toomer, Esquire, of Fayetteville. It is with you to make the permanent appointment.

Doubts being entertained, to what portion of the salary appropriated for the payment of a Judge of the Supreme Court, the representatives of Judge Taylor are entitled, (he having died soon after the commencement of a quarter, but not until the official labours of the current half year had been performed,) it is with great deference submitted, whether a warrant, for the residue of the salary not claimed by his successor in office, shall not issue in favour of his representatives. By his death, we have lost a citizen of great value; who, in the discharge of his official duties for nearly thirty years, was diligent and just, and having acquired the confidence, he deserves also the gratitude of the State.

It is also my painful duty to communicate the death of Joseph Wilson, Esquire, Solicitor for the 6th Judicial District, occasioning a vacancy in that office. The office of Solicitor having been created since the adoption of the Constitution, and the right of supplying for a season a vacancy occasioned by death or otherwise, being conferred by the Legislature on the Judge presiding in the Circuit where such vacancy happens, it was not deemed the *duty* if it was the *right* of the Governor and Council to interfere.



The permanent appointment of a successor to Mr. Wilson, you are also called upon to make.

The paper marked A, contains the resignation of his appointment of Senator to the Congress of the United States, of the Honorable John Branch. In accepting the resignation of Mr. Branch, it will be recollected with pride, and with pleasure, that, although the nature of our connection is by it changed, yet, his services are not lost, but rather transferred to a sphere of more extended usefulness; where, in his own language, "the just pretensions and relative weight of the State may be maintained in the councils of our country," and to a place for which he is peculiarly fitted, both by his unbending integrity and firmness.

The file herewith transmitted, marked B, contains reports, resolutions and memorials of several of our sister States, on subjects of the first importance to the Union, and some of them, particularly so to the Southern States, viz. a report and resolutions of the General Assembly of Missouri, on a report and resolutions of the Legislature of Georgia, declaring that the Congress of the United States have no constitutional power to appropriate monies to aid the American Colonization Society; and a resolution proposing an amendment to the Constitution of the U. States, by which the President and Vice President shall be elected by the people, without the interference of the House of Representatives in any case.—Also resolutions of the Legislature of Louisiana, proposing an amendment to the Constitution of the United States, by which the President and Vice President should hold their offices for six years, and be ineligible afterwards. Also the preamble and resolutions of the General Assembly of Virginia, on the proceedings of the respective Legislatures of South Carolina and Georgia, on the Tariff acts, the acts for Internal Improvements, &c. heretofore passed by Congress; and resolutions adopted by the State of South Carolina on the subject of the Tariff—the right of Congress to adopt a system of Internal Improvements, and to make an appropriation for the benefit of the Colonization Society; and also the resolutions of the General Assembly of Mississippi, on the subject of the Tariff. The same file contains three very able papers from the state of Georgia, transmitted from the Executive of that State, with a request that they may be laid before you. One, a report on the resolutions of South Carolina and Ohio, on the subject of State rights, of Slavery, and an appropriation for the Colonization Society; another, a remonstrance, addressed to the States in favour of the Tariff; and the third, a memorial on this subject, addressed to the Anti-Tariff States, of which number is North Carolina, from every principle of interest, and fair constitutional construction.

If the Treasury be closed to the tributary streams of commerce, and the General Government of the country is still to be supported under a heavy tariff of duties, laid for the express purpose of supporting the manufactories of one portion of the country, where, but upon the agriculture of another, can the burthen of taxation fall? But as nothing has yet transpired, by which the peculiar policy of the present administration can be known, either as regards the foreign or domestic relations of the country, and as ours is emphatically a Government of public opinion, and we have every thing to hope from the present enlightened Chief Magistrate of the nation, elevated as he has been by that opinion, a course of forbearance on this important measure, is, for the present, respectfully recommended; for I have no doubt, that free and calm investigation, indicating at once, moderation and firmness on our part, will soon obtain a repeal of all palpably unequal and oppressive measures; and that our Federal institutions will take deeper root, by the agitations of the storm.

An act was passed by the last Legislature, "for revising, digesting and amending the laws relating to executors and administrators," by which the Governor is authorized to appoint two commissioners to carry the provisions of the act into effect. I have accordingly conferred the commission on Thomas Ruffin and George E. Badger, Esquires.

The resolution adopted at the same time, directing me to ascertain from the guardian of Miss Udney M. Blakely, the amount, if any, remaining in his hands of the several sums appropriated by the Stat to her use, and yet unexpended in her education and support, has been complied with; and the letters and statements of the accounts from the guardian of Miss Blakely will be found in the file marked C.

The resignation of such Justices of the Peace and Militia Officers as have been received during the recess of the Legislature, will be found in the file marked D.

If, gentlemen, in bringing those matters to the consideration of the Legislature,



which are deemed most intimately connected with the welfare of our beloved State, I have too freely and openly expressed my own views of what I deem the true and enlightened policy we should pursue, I derive the highest satisfaction from reflecting, that it will not be attributed to a disposition to assume—but to the proper motive, a willingness to meet any responsibility due to the high station, to which I have the honor to be called.

I am, Gentlemen, most respectfully,  
Your obedient servant,

JOHN OWEN.

*Executive Department, Nov. 17th, 1829.*

On motion of Mr. Hill, of Wilmington, ordered that the foregoing communication be sent to the Senate, and the accompanying documents, with a message, proposing that it be printed, three copies for each member of the Assembly.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 18, 1829.

A message from the Senate, proposing to ballot immediately for one engrossing clerk, and informing that the name of Nathaniel J. Palmer is withdrawn from the nomination. The message was concurred in, and the Senate informed by message that Mr. Simpson and Mr. P. Murphey attend the Senate as a committee to conduct the balloting on the part of this House, and that the name of Hayes F. Shipman is withdrawn from the nomination.

A message from the Senate, informing that Messrs. Marshall and Askew attend this House as a committee to conduct the balloting for one engrossing clerk on their part.

Joseph Arrington, one of the members of Nash county, appeared, produced his credentials, was qualified and took his seat.

Mr. Newland presented the petition of several citizens of Burke county, praying that commissioners be appointed on the road leading from Morgan-ton to Lincolnton, and for an appropriation of money, &c. On motion of Mr. Hill, of Wilmington, ordered that said petition be laid on the table.

The Speaker laid before the House the report of the Public Treasurer, on the state of the Treasury; which was read, and, on motion of Mr. Swain, ordered to be sent to the Senate with a message, proposing that it be printed, one copy for each member of the Assembly.

Mr. P. Murphey, from the committee appointed to conduct the balloting for one engrossing clerk, reported that the committee had performed that duty, and that on examining the ballots it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing that the two Houses ballot immediately for one engrossing clerk yet to be elected. The message was concurred in, and the Senate informed by message that Mr. Calloway and Mr. Branch form the committee to conduct the balloting on the part of this House, and that the name of Thomas G. Whitaker is withdrawn from the nomination.

A message from the Senate, informing that Messrs. M'Neill and Davis attend this House as a committee to conduct the balloting on their part.

On motion of Mr. Swain,

*Resolved,* That the Comptroller be directed to prepare and report to this House as early as practicable, a detailed statement exhibiting the several specific subjects of



general and permanent taxation, and the amount paid upon each into the Public Treasury by the several counties of this State, commencing with the year 1784, and closing with the last fiscal year, together with such explanatory notes as he may deem necessary to the elucidation thereof.

A message from the Senate, consenting to have printed the Governor's message and the report of the Public Treasurer, as proposed by this House.

Mr. Calloway, from the committee appointed to conduct the balloting for one engrossing clerk, reported that the committee had performed that duty, and that it appeared on examination of the ballots neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for one engrossing clerk, and informing that the name of James A. Vaughan is withdrawn from the nomination. The message was concurred in, and the Senate informed by message that Mr. Barringer and Mr. Stanly attend the Senate as a committee on the part of this House to conduct the balloting.

A message from the Senate, informing that Messrs Davis and M'Neill attend this House as a committee on their part to conduct the balloting for an engrossing clerk.

On motion of Mr. Newland,

*Resolved*, That a select committee on military affairs, consisting of five members, be appointed.

Mr. Barringer, from the committee appointed to conduct the balloting for one engrossing clerk, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Gary, ordered that a message be sent to the Senate, proposing to ballot immediately for one engrossing clerk, and informing that the name of Willis L. Williams is withdrawn from the nomination.

A message from the Senate, consenting to ballot immediately for one engrossing clerk, and informing that Messrs. M'Neill and Davis form the committee of superintendence of the balloting on their part.

On motion, ordered that the Senate be informed by message that Messrs. Barringer and Stanly attend the Senate as a committee on the part of this House to conduct the balloting for one engrossing clerk.

Mr. Gary, from the committee appointed to prepare and report rules of order for the government of the House the present session, reported the following, which were read and concurred with, to wit:

1. The Speaker shall take the Chair every day, at the hour to which the House shall have adjourned, and shall immediately call the members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read. He shall preserve order and decorum, and questions of order shall be decided by the Speaker without debate, subject to an appeal to the House by any member; in which case the Speaker may deliver his opinion in preference to any other member. He shall rise to put a question, but may state it sitting. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye:" and after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, he shall name two members, one from each side, who shall tell the members in the affirmative, and report their number; after which they shall tell the members in the negative, and report their number; upon which the Speaker shall rise and state the decision to the House.

2. That no question on resignations shall be required to be put to the House by the Speaker, unless on motion.

3. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker



3. Chairman of the committee of the whole, shall have power to order the same to be cleared.

4. In all cases of ballot by the House, the Speaker shall vote. In other cases he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

5. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

6. If any member, in speaking, or otherwise shall transgress the rules of the House, the Speaker shall, or any other member may call him to order; in which case the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact, or to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

7. When two or more members rise at the same time, the Speaker shall name the member to speak.

8. No member shall speak more than twice on the same question without leave of the House.

9. Whilst the Speaker is putting any question, or addressing the House, no person shall speak or walk out, or across the House; nor, when a member is speaking, entertain private discourse, or pass between him and the Chair.

10. No member shall vote on any question, unless within the bar of the House when the same was stated, and the range of pillars on the north side of the Commons Hall shall be considered the bar of the House.

11. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

12. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and, if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

13. When a motion is made and seconded, it shall be stated by the Speaker; or, if written, it shall be handed to the Chair, and read by the Clerk before debated.

14. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

15. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment.

16. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, postpone indefinitely, to postpone to a day certain, to commit or amend: which several motions shall have precedence in the order they stand arranged.

17. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate; and the name of the member making a motion to adjourn, shall be entered upon the Journals.

18. Petitions, memorials and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and to be subject to the further order of the House; and no bill, petition, memorial, resolution or other papers, that may be addressed to the House, shall be taken out of the possession of the House until the time shall have elapsed for reconsideration.

19. Any member may call for a division of the question when the same will admit of it, which shall be determined by the Speaker.

20. A motion for postponement or commitment, until it is decided, shall preclude all amendments of the main question.

21. Every bill shall be introduced by a motion for leave or by an order of the House.

22. Every bill shall receive three several readings in the House previous to its passage; but no public bill shall be twice read on the same day, unless otherwise ordered by two thirds of the members present.

23. No member shall, on motion, be at liberty to withdraw a public bill for amendment; but on suggestion made, that a public bill ought to be amended, it may, on motion, be committed; and every public bill, on motion made and seconded upon its second reading, shall be referred to a committee of the whole House, if the House so order.

24. A bill once rejected, another on the same subject shall not be brought in again this session; but when a question has been determined, either in the affirmative or negative, it shall be in order once only for any member in the majority to move the reconsideration thereof; provided it be done on the same or succeeding day.

25. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

26. The unfinished business in which the House was last engaged at the time of their adjournment, shall have the preference in the order of the day; and no motion or other business shall be received without leave of the House.



27. The Speaker shall direct and arrange the orders of the day, until the House shall otherwise order.

28. No member shall be called upon for words of heat spoken in the House, but on the day on which they were spoken; and decency of speech shall be observed, and personal reflections carefully avoided.

29. Any twenty members (including the Speaker) shall be authorised to compel the attendance of absent members.

30. No member or officer of the House shall absent himself from the service of the House without leave, unless from sickness or inability to attend.

31. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

32. In the nomination of committees, no member shall nominate more than one person to be of a committee.

33. Select Committees shall consist of five members; and it shall be the duty of the Speaker to name the members who shall compose the committee, except otherwise ordered by the House. It shall be the duty of the first person named to cause the members of the committee to convene when necessary; and, when so convened, they shall appoint some one of their number Chairman.

34. In forming the committee of the whole House, the Speaker shall appoint a Chairman, and leave the Chair.

35. The rules of proceeding in the House shall be observed in the committee of the whole, so far as they are applicable, except in limiting the times of speaking.

36. Whenever the Speaker, from fatigue or other causes, shall have occasion to leave the Chair, he shall name a member who shall discharge the duty thereof during his retirement.

37. The Clerk of the House shall be deemed to continue in office until another is appointed.

38. No standing rule or order shall be rescinded, altered or suspended without one day's notice given of the motion thereof; and to sustain such motion two thirds of the House shall be required.

39. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at each separate reading of the bill.

40. Six standing committees shall be appointed at the commencement of the session, to wit: a committee of Claims, a committee of Propositions and Grievances, a committee of Education, a committee of Agriculture, a committee of Internal Improvement, and a committee of Privileges and Elections.

41. A select standing committee, consisting of seven members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the committee on the Judiciary."

42. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall be first read for information, and afterwards paragraph by paragraph, and held open for amendment.

On motion of Mr. Swain, ordered that the foregoing report be printed in connection with the Constitution of the State and Bill of Rights and the Constitution of the United States, one copy for each member of this House.

The resignations of John Kendall, Lindsay F. Cagle, John Little, of Montgomery county; John Sanders, of Johnston county; George Dickey, of Macon county; James Tyer, of Pitt county; Nathan York, of Randolph county; Stephen Outerbridge, of Martin county, justices of the peace; Samuel Tate, lieutenant colonel of the first regiment of the Burke county militia, were severally read and accepted.

The House, on the motion of Mr. Polk, appointed six standing committees, as directed in the 40th Rule of Order, to wit:

*A Committee of Claims*—Messrs. Thomas Dozier, William G. Jones, Thomas Wilson, William Watts, Nathaniel Smith, Wesley Jones, Alfred Stanly, Richard B. Hatch, William S. Larkins, James Murphey, William Hancock, Thomas Webb, George C. Mendenhall, Thomas G. Polk, David Newland, James Whitaker.

*Propositions and Grievances*—Messrs. Wm W. Stedman, William S. Mhoon, Alfred Moye, James Harper, Roderick B. Gary, Gray Little, Samuel Whitaker, Nathan G. Smith, Dickson Sloan, William Wright, William A. Morris, John Brown, William W. Wiseman, William M'Lane, Zachariah Baker, Asaph Enloe.

*Education*—Messrs. Samuel T. Sawyer, Benjamin T. Simmons, John S. W. Hellen, Jas. Rhodes, John Farrier, Archibald Monk, Neill Nicholson, John Parcell, William Branch, Duncan York, Thomas H. Taylor, James Kerr, Daniel M. Barringer, Alfred C. Moore, David L. Swain, Joseph M. Carson.



*Agriculture*—Messrs. William Birum, Thomas Jordan, Owen B. Cox, William Clark, Luke R. Simmons, Robert Melvin, Alexander M'Neill, Joseph White, Thomas Nicholson, Thomas T. Russell, John Stockard, Joseph J. Brooks, William King, Ephraim Hough, Jas. R. Love, William Horton.

*Internal Improvement*—Messrs. Willoughby D. Barnard, John H. Wheeler, David W. Borden, Allen W. Wooten, Marsden Campbell, William L. Long, Jesse Cooper, John Wilson, Thomas M'Gehee, Richmond Pearson, Joseph A. Hill, John D. Eccles, Alexander Buie, Reuben Kendall, Bartlett Shipp, James Graham.

*Privileges and Elections*—Messrs. Frederick Davenport, Risup Rawls, Hillory Wilder, John W. Sasser, John B. Thompson, Patrick Murphey, John J. M'Millan, Duncan Murchison, Joseph Arrington, Moses Baker, Spencer O'Brian, Abraham Brower, James M. Lilly, Francis L. Simpson, William Orr, Joseph Neal.

*Finance*—Messrs. George Blair, Samuel Smallwood, John J. Gause, Alexander M'Neill, John H. Green, James Wyche, Evan Alexander, Montfort Stokes.

The House then, on the motion of Mr. Larkins, adjourned until to morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 19, 1829.

The Speaker, in pursuance to a resolution presented yesterday, appointed a select committee on Military Affairs, consisting of Messrs. Newland, Polk, Bateman, T. Nicholson and Kendall.

Mr. Barnard presented the memorial of sundry citizens of Currituck county, on the subject of opening and deepening Currituck Inlet. On motion of Mr. Wheeler, ordered that the said memorial be referred to the committee of Internal Improvement.

Mr. Whitaker, of Wake, presented the petition of Stephen Pearson, on the subject of a negro he purchased at the sale of the property of the late Treasurer, John Haywood. Ordered that said petition be referred to the committee of Claims.

On motion of Mr. Hill, of Wilmington, the petition of sundry citizens of Burke and Lincoln counties, presented yesterday by Mr. Newland, and ordered to be laid on the table, was taken up and referred to the committee of Internal Improvement.

Mr. Barringer, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty, and that, on examining the ballots, the majority of the whole number was found to be in favor of John W. Covington, who was duly elected. The question to concur with the report was determined in the affirmative.

On motion of Mr. Mhoon, ordered that a message be sent to the Senate, proposing that the two Houses ballot on Monday next for a Judge of the Supreme Court, to supply the vacancy occasioned by the death of Chief Justice Taylor, and informing that Thomas Ruffin and John D. Toomer are in nomination for the appointment; and, on the motion of Mr. Wyche, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to morrow week for a Senator to represent this State in the Congress of the United States, to supply the vacancy occasioned by the resignation of John Branch.

On motion of Mr. Nash,

*Resolved*, That so much of his Excellency's message as relates to internal improvement, and the union of the waters of the Yadkin and the Cape Fear, be referred to the committee on Internal Improvement.

*Resolved*, That so much of the said message as relates to education be referred to the committee on Education.

*Resolved*, That so much of said message as relates to the University be referred to a select committee.

That so much thereof as relates to the amount of produce annually exported from the State; be referred to a select committee;



That so much thereof as relates to the banks and the circulating medium, be referred to a joint select committee, consisting of six on the part of this House.

That so much thereof as relates to the judiciary, be referred to the committee on the Judiciary.

That so much thereof as relates to the opening a passage between the Albemarle Sound and the Ocean, be referred to a joint select committee, consisting of six on the part of this House.

That so much thereof as relates to the public lands, be referred to a select committee on the subject of the public lands.

That so much thereof as relates to a map of the State, be referred to a select committee of three.

That so much thereof as relates to the militia, be referred to the committee on Military Affairs.

That so much thereof as relates to the salary of the late Chief Justice Taylor, be referred to a select committee of five.

That so much thereof as relates to the communications from our sister States, be referred to a joint select committee, consisting on the part of this House of six members.

On motion of Mr. Hill, of Wilmington, ordered that this resolution lie on the table.

On motion of Mr. Smith, of Chatham,

*Resolved*, That so much of said message as relates to the construction of a rail road from Fayetteville to Cambleton, be referred to the committee on Internal Improvement.

The resignations of Joseph Cathey, colonel commandant, and Jacob Smith, lieutenant colonel of the first regiment of the Haywood county militia; Absalom Scales, of Stokes county; Henry Brown, of Surry county; John Harrell ~~junr.~~ of Tyrrell county; Joseph Brown, of Greene county; and Elijah Deener, of Haywood county, justices of the peace, were presented, read and accepted.

The House then, on the motion of Mr O'Brian, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 20, 1829.

Mr. Taylor, with leave, presented a bill to reduce the salary of the Judges of the Supreme Court; which was read the first time and passed.

On motion of Mr. Branch, ordered that a message be sent to the Senate, proposing to raise a joint select committee, composed of the members from the different counties composing the third judicial circuit, whose duty it shall be to inquire if any, and if any, what alteration is necessary as regards the present organization of said circuit; and that they report by bill or otherwise.

Eliakim Patrick, one of the members of Craven county; William Bethell, one of the members of Rockingham county; and William Gaston, the member of the town of Newbern, appeared, produced their credentials, were qualified and took their seats.

Mr. Taylor, with leave, presented a bill concerning the Public Treasurer; and Mr. Simmons, of Columbus, a bill to alter the names of Ezekiel Harrison Wall and Elizabeth Ann Tabitha Wall, of Columbus county. These bills were read the first time and passed.

Mr. Snyder presented the petition of James Ridgely, of Davidson county, praying that the Secretary of State be directed to issue to him a grant for 110 acres of land. Ordered that said petition be referred to the committee of Claims.

Mr. Brown presented the following resolution:

Whereas it appears, according to the books of the Comptroller, that Archibald S. Brown, sheriff of Robeson county, is charged with the sum of four hundred dollars, the penalty prescribed by law for failing to settle his public tax account for the year 1828, on the first of October, 1829; and it also appearing that the said Archibald did, on the



13th of October, 1829, pay 610 dollars and 56 cents into the Treasury office, which is more than he is liable to pay after deducting his commissions and allowance for insolvents:

*Resolved*, That the said Archibald be released from the penalty of four hundred dollars; and that the Comptroller settle his account in the same manner as if he had settled on the first of October, and that on the settlement being made, the Public Treasurer pay to the said Archibald whatever he may have overpaid, and the same shall be allowed him in the settlement of his accounts.

On motion, ordered that the said resolution be referred to the committee of Propositions and Grievances.

Mr Swain now moved, in pursuance to notice given yesterday, that the number of members forming the committee on the Judiciary be increased to nine: whereupon the Speaker selected for that committee Messrs. Nash, Gaston, Swain, Hill of Wilmington, Eccles, Carson, Graham, Wheeler and Bynum

A message from the Senate, informing of their concurrence with the proposition to ballot on Monday next for a Judge of the Supreme Court, and informing that the name of Henry Seawell and Joseph J. Daniel are added to the nomination; and agreeing also to ballot for a Senator in Congress on Friday next, as proposed by this House.

Received from the Senate the certificate of the County Court of Cumberland county in favor of Ann Morrison, allowing her a pension of forty dollars; and also the certificate of said court in favor of Sherwood Fort, a pensioner of the State, allowing him a pension of fifty dollars for the ensuing year, countersigned by the Speaker of that House. The said certificates were countersigned by the Speaker of this House and returned to the Senate.

A message from the Senate, informing that the name of Montfort Stokes is added to the nomination for Senator in Congress.

Mr. Newland, with leave, presented a bill vesting in a single justice of the peace jurisdiction in certain cases; which was read the first time, passed and referred to the committee on the Judiciary.

On motion of Mr. Neill,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of providing some certain rule as to the time, during the sessions of the courts, when the State docket shall be taken up, and that they report by bill or otherwise.

On motion of Mr. Wiseman,

*Resolved*, That the Public Treasurer of the State is instructed and required to pay to Absalom Williams, of the county of Davidson, twelve dollars, being the amount to which he is entitled by being detained by sickness four days, on his return home from the last session of the Legislature, and that he be allowed the same in his public settlement.

On motion of Mr. Hill of Wilmington,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee to whom shall be referred such of the public documents accompanying the Governor's message as relate to slavery, and to the constitutional power of the Congress of the United States to appropriate money in aid of the Colonization Society; also on so much of said message as relates to State rights and the tariff acts, and the constitutional authority of Congress to impose a tariff of duties with a view to the protection of manufactures; and also on so much of said message as relates to the right of Congress to adopt a system of internal improvement, and to appropriate money for purposes of internal improvement.

On motion of Mr. Nash,

*Resolved*, That the Judiciary committee be directed to inquire whether any, and if any, what alterations are necessary in the laws upon the subject of retailing ardent spirits.

*Resolved*, That said committee be directed to inquire whether any, and if any, what alterations are necessary in the laws forbidding gambling.

*Resolved*, That said committee be directed to inquire into the expediency of regulating by law the discipline of the public prisons within this State; and

*Resolved*, That said committee be directed to inquire whether any, and if any, what al-



revisions in the criminal laws of the State are necessary; and that they have leave to report by bill or otherwise.

The resignations of William Orr, colonel commandant, John Clayton, lieutenant colonel, and Gideon Stephens, major of the first regiment of the Buncombe county militia; and John Holliday, colonel of the 27th regiment of the State for the county of Greene, were presented, read and accepted.

The House then, on the motion of Mr. Swain, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 21, 1829.

On motion of Mr. Cox,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of giving a legislative construction to the term "liquidated accounts," occurring in the acts giving jurisdiction to magistrates; and that they report by bill or otherwise.

On motion of Mr. Calloway

*Resolved*, That a message be sent to the Senate, proposing to raise a select joint committee to whom shall be referred all the papers and documents relating to a Penitentiary and Lunatic Asylum, which were presented to the Legislature by the late Governor Iredell; and that said committee duly consider the propriety of building a Penitentiary in this State, and shall have leave to report by bill or otherwise.

On motion of Mr. Bynum.

*Resolved*, That the committee on Internal Improvement be instructed to inquire what amount of the sum of twenty-five thousand dollars, appropriated by the State for the purpose of locking into the Roanoke river by the canal at Weldon, has been drawn out by the Board of Internal Improvement, and whether or not it has been applied to effect that purpose.

On motion of Mr. Sawyer,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of making the taking of usury an indictable offence; and that they report by bill or otherwise.

Mr. Pearson with leave presented a bill to provide for the payment of jurors in the county of Rowan, and for other purposes; and Mr. N. Nicholson presented a bill concerning the patrols of Richmond county. These bills were read the first time and passed.

A message from the Senate, proposing that so much of the Governor's message as relates to the amendments of the Federal Constitution, with the accompanying documents, and the resolutions of various States, be referred to a select joint committee, and on their part to Messrs. Spaight, M'Farland, Davenport, Williams of Franklin and Matthews. On motion of Mr. Hill, of Wilmington, ordered that said message be laid on the table.

Mr. Moore with leave presented a bill for the pardon of Thomas Norman, of Surry county; which was read the first time and, on motion, referred to Messrs. Moore, Mendenhall, Simpson, O'Brian and Green.

A message from the Senate, informing that Messrs. Davidson, Ward, M'Farland, Wilson, Sneed, Askew, Wellborn and Mosely form the committee of Finance on their part.

On motion of Mr. Neill, ordered that he have leave to withdraw from the files the petition presented to the last Assembly, for the purpose of appointing commissioners to lay off a road from John's river, in Burke county, to Watauga river, in Ashe.

A message from the Senate, informing that they had passed the engrossed bill to establish and incorporate Hickory Grove Academy, in the county of Richmond, on the lands of John Carmichael, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Graham, with leave, presented a bill to prevent fraud in deeds of trust and mortgages; which was read the first time and passed.



A message from the Senate, consenting that so much of the Governor's message as relates to the opening of a passage between the Albemarle sound and the ocean be referred to a select joint committee, and informing that Messrs. Montgomery, of Hertford, Caldwell, Burns Askew, Williams, of Franklin, and Dickinson form the committee on their part; and informing further that Messrs. Martin, Meares, Wilson, Willborn, Dick and Williams, of Martin, form the select committee on their part on so much of the Governor's message as relates to the banks and the circulating medium of the State.

A message from the Senate, informing that the name of Samuel P. Carson is added to the nomination for Senator in Congress.

A message from the Senate, proposing that so much of the Governor's message as relates to the construction of a rail road from the town of Fayetteville to the Yadkin river, be referred to a select joint committee, and informing that Messrs. Mitchell, Ramsey, Melchor, M'Neill and Brower form the committee on their part. The message was concurred in, and the Senate informed by message that Messrs. M'Neill, Murchison, Bogle, Hough and Calloway form the said committee on the part of this House.

On motion of Mr. Mhoon, ordered that a message be sent to the Senate, proposing that the document accompanying the Governor's message containing a plan of primary schools in this State, be printed, one copy for each member of the Assembly.

On motion of Mr. Mendenhall, ordered that the Senate be informed by message that the name of Archibald D. Murphy is added to the nomination for Senator in Congress.

The resignation of David Russell, justice of the peace of the county of Haywood, was presented, read and accepted.

The House then, on motion, adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 23, 1829.

Received from his Excellency the Governor, by his Private Secretary, the following communication:

*To the Honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—In obedience to a resolution of the last General Assembly, directing the President and Directors of the Board of Internal Improvement to call upon the President and Directors of the Yadkin Navigation Company to know "how and in what manner the 25,000 dollars, subscribed for by the State, together with the sums paid by individual stockholders, have been disposed of, and what sum of money the company now have on hand, what number of Stockholders are insolvent, and what outstanding debts are due, I addressed a letter to the president of that company, and his answer is herewith presented.

I learn from the Cashier of the State Bank that there is in deposite in that Bank, to the credit of the Governor of the State, the sum of 2,113 dollars and ninety cents. No immediate use for this amount of money to the credit of the Governor can be anticipated; it is therefore respectfully submitted whether the Legislature should not make some disposition of it, by which it can be brought into use when required.

I have the honor to be, &c. &c.

JNO. OWEN.

*Executive Office, Nov. 21, 1829.*

On motion of Mr. Swain, ordered that the said message, with the accompanying documents, be referred to the committee on Internal Improvement.

A message from the Senate, informing that Messrs. Franklin and Meares attend this House as a committee to conduct the balloting for a Judge of the Supreme Court on their part.



On motion, ordered that a message be sent to the Senate, informing them that Messrs. Wyche and Simpson form the committee to superintend the balloting for a Judge of the Supreme Court on the part of this House.

A message from the Senate, consenting to refer to a select joint committee, consisting of the members representing the counties composing the 3rd judicial circuit whether any, and what alteration is necessary as regards the present organization of the said circuit, and that they report by bill or otherwise, as proposed by this House.

Mr. Wyche, from the committee appointed to conduct the balloting for a Judge of the Supreme Court, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Newland, ordered that a message be sent to the Senate, proposing that the two Houses ballot again immediately for a Judge of the Supreme Court.

The bill for the pardon of Thomas Norman, of the county of Surry, was read, and, on the motion of Mr. Gaston, ordered to be laid on the table.

On motion of Mr. Monk,

*Resolved*, That so much of the Governor's message as relates to the purchase of slaves for the use and benefit of the State for works of internal improvement, be referred to a select joint committee: that the said committee be instructed to inquire into the expediency or in expediency of purchasing such a number of slaves; that they may be divided and distributed to the different stations now in operation under the control of the Board of Internal Improvement.

A message from the Senate, consenting to ballot immediately for a Judge of the Supreme Court, and informing that Messrs. Franklin and Meares attend this House as a committee on their part to conduct the balloting.

On motion, ordered that the Senate be informed by message that Messrs. Wheeler and Simpson attend the Senate as a committee on the part of this House to conduct the balloting for a Judge of the Supreme Court.

On motion of Mr. Cox,

*Resolved*, That so much of the Governor's message as relates to the loss and abuse of the public arms in distributing them among the several volunteer companies, be referred to the committee on Military Affairs; and that they report by bill or otherwise.

On motion of Mr. Gause, ordered that a message be sent to the Senate, informing that the name of William B. Meares is added to the nomination for Senator in Congress.

Mr. Sawyer, with leave, presented a bill to legitimate Alexander Cheshire, of the town of Edenton; and Mr. Wheeler presented a bill more effectually to prevent frauds in deeds of trust, mortgages, and other conveyances. These bills were read the first time and passed.

Mr. Nash, with leave, presented a bill to amend an act, passed in the year 1773, entitled an act for the relief of insolvent debtors with respect to their persons; which was read the first time and passed, and, on the motion of Mr. Nash, made the order of the day for Thursday next.

Mr. Barnard, with leave, presented a bill, vesting in the County Courts jurisdiction of applications for the legitimation of bastard children; which was read the first time, and, on motion, referred to the Judiciary committee.

On motion of Mr. Taylor, ordered that the bill to reduce the salaries of the Judges of the Supreme Court; and the bill respecting the Treasury, be made the order of the day for Wednesday next.

Mr. Wheeler, from the committee appointed to conduct the balloting for



Judge of the Supreme Court, reported that the committee had performed that duty, and that on examining the ballots, it appeared that neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of *Mr. L. R. Simmons*,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of providing by law for the extension of the act of 1822, for the relief of insolvent debtors, to cases of fines, forfeitures, &c. due the State, and fees due Solicitors, and that they report by bill or otherwise.

A message from the Senate, consenting to have printed the plan of primary schools in this State, as prepared by a citizen of this State, and accompanying the Governor's message, one copy for each member of the Legislature.

On motion of *Mr. Hayley*,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of remunerating in some manner any citizen whose slave may hereafter forfeit their lives to the laws of the State for any capital offence.

*Mr. Bynum* presented the memorial of the President of the Roanoke Navigation Company, praying for the payment of interest for the unpaid for stock held by the State in said company. Ordered, on the motion of *Mr. Bynum*, that the said memorial be referred to the committee on Internal Improvement.

On motion of *Mr. Wiseman*,

*Resolved*, That the committee of Finance be instructed to inquire into the expediency of so amending the law relative to the mode of taking in taxable property, and affixing the value thereof, so as to provide for cases where there is no assessment by the Board of Assessors under the act of Congress, or when such assessment is greater than the present value, and if any other amendment as to the general law be expedient.

On motion of *Mr. Gary*,

*Resolved*, That all resolutions, the object of which is to draw money out of the Public Treasury, shall receive three several readings; but shall not be read twice on the same day, unless otherwise ordered by two thirds of the members present.

The resignations of *Azariah King*, of Nash county; *Thomas Mosely*, of Randolph county; *Alexander W. Brandon*, of Anson county, justices of the peace; *Elijah Hester*, colonel commandant of cavalry in the 16th brigade; and *William A. Parks*, colonel commandant of cavalry attached to the 11th brigade of the 4th division of the militia, received from the Senate, were read and accepted.

The Speaker laid before the House the report of the commissioners, *James Grant*, *William Robards* and *William Hill*, appointed by resolution of the last General Assembly on the claim of the State against the United States, and the old standing accounts on the books in the Comptroller's office; which being read, was ordered to be sent to the Senate with a message, proposing that it be referred to a select joint committee, and that it be printed, one copy for each member of the Assembly.

The Speaker, under direction of the House, appointed the following select committees, to wit:

On so much of the Governor's message as relates to the University, *Messrs. Nash, Pearson, Stanly, M'Gehee and Lilly*.

On so much of said message as relates to the amount of produce annually exported from the State, *Messrs. Campbell, Smith of Craven, Wyche, Hellen and Smith of Chatham*.

On so much of said message as relates to public lands, *Messrs. Shipp, Mhoon, Whitaker of Macon, Rhodes and Edmonston*.



On so much of said message as relates to a map of the State, Messrs. Mendenhall, Long and M'Neill

On so much thereof as relates to the salary of Chief Justice Taylor, Messrs. Mhoon, Stokes, Jones of Wake, White and Cooper.

Whereupon the House, on the motion of Mr. Branch, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 24, 1829.

Thomas B. Houghton, one of the members of Washington county, appeared, produced his credentials, was qualified and took his seat.

On motion, ordered that a message be sent to the Senate, proposing to ballot for a Judge of the Supreme Court, and informing that the name of Joseph J. Daniel is withdrawn from the nomination.

On motion of Mr. Whitaker, of Macon,

*Resolved*, That a select committee be appointed to take into consideration the expediency of extending the laws of the State over the Cherokee nation, so far as the chartered limits extend, and that they have leave to report by bill or otherwise

Mr. Gaston presented the petition of William B. Murchie, of the county of Lenoir, stating that he had been convicted of a crime in the Superior Court of Craven, by which he had forfeited certain privileges, and praying to be restored to credit. Mr. Gaston also presented the petition of William L. Morris, of the town of Newbern, praying that the act of emancipation made of certain slaves in the State of Pennsylvania, be confirmed by an act of the Legislature of this State under certain limitations. On motion of Mr. Gaston, these petitions were referred to the committee of Propositions and Grievances.

A message from the Senate, consenting to ballot immediately for Judge of the Supreme Court, and informing that the name of Henry Seawell is withdrawn from the nomination.

On motion, ordered that the Senate be informed by message that Messrs. Wilson, of Caswell, and Jones, of Wake, attend that House as a committee to superintend the balloting for a Judge of the Supreme Court on the part of this House.

Mr. Neill, with leave, presented a bill to repeal an act, passed in 1805, chapter 36, entitled an act to amend an act of Assembly now in force for the better regulation of the town of Morganton; and Mr. Wright presented a bill to place the class of people called Quakers, Moravians, Menonists and Dunkards on equal footing with the other freemen of this State. The said bills were read the first time and passed.

On motion ordered that a message be sent to the Senate, proposing to ballot for major general of the 4th division of the militia to morrow, and informing that Thomas G. Polk and John N. Phifer are in nomination for the appointment.

A message from the Senate, informing that they had passed the engrossed bill for altering the time of appointing overseers of roads in the county of Richmond; in which they ask the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, informing of the appointment of a committee to join the committee appointed by this House, to whom shall stand referred all the papers and documents relating to a Penitentiary, which were presented to the Legislature by the late Governor Iredell, consisting of Messrs. Sneed, Meares, Pool, M'Daniel and Moore.



The bill concerning the patrols of Richmond county, was read the second time and passed.

The bill to provide for the payment of jurors in the county of Rowan, was read the second time and amended so as to include the county of Wake, and passed.

On motion of Mr. Cooper,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of defining explicitly the several liabilities of securities on guardian bonds, where successive bonds shall be given.

Mr. Wilson, from the committee appointed to conduct the balloting for a Judge of the Supreme Court, reported that the committee had performed the duty assigned to them, and that it appeared on examining the ballots, Thomas Ruffin had a majority, and was duly elected. The question to concur with the report was determined in the affirmative.

On motion of Mr. Wiseman,

*Resolved*, That the several laws relating to patrollers in this State, be referred to a select committee, with instructions to inquire into the expediency of embodying the several laws on the subject; and if any and what alterations may be expedient; and that they report by bill or otherwise.

The Speaker thereupon selected Messrs. Wiseman, Murphey, of Richmond, Cox, Branch and Smallwood, to be of this committee.

On motion of Mr. Graham, ordered that the bill to prevent frauds in deeds of trust and mortgages, be referred to the committee on the Judiciary.

On motion of Mr. Bynum, ordered that a message be sent to the Senate, informing that the name of John R. Donnell is added to the nomination for Senator in Congress.

Mr. Hellen, with leave, presented a bill concerning the elections in the county of Carteret; and Mr. Sloan a bill to appoint a committee of Finance in the county of Sampson. The said bills were read the first time and passed.

A message from the Senate, consenting to refer so much of the Governor's message as relates to the purchase of slaves for the use and benefit of the State, for works of Internal Improvement, to a select joint committee; and on their part, to Messrs. Miller, Burns, Wilson, Barnes and Caldwell.

Mr. Arrington presented the following resolution:

Whereas agreeably to the eighth section of an act, passed in 1806, chapter 708, entitled an act to revise the militia laws of this State relative to the infantry, the power of locating or fixing on the place of muster in each captain's district, is vested in each captain, or commanding officer of each company, often to the injury and inconvenience of many of the good citizens of this State:

*Therefore be it resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of so amending the above recited act, as to give the power of fixing on the place of muster in each captain's company, instead of the captain or commanding officer; and that they report by bill or otherwise.

The said resolution was read and concurred in.

Mr. Calloway presented the following resolution:

Whereas, according to the language of the Bill of Rights of North Carolina, the property of the soil in a free government being one of the essential rights of the collective body of the people; and as it is a fact well known that large portions of the soil of North Carolina is continually exposed to sale by execution for debt, which, in some degree, is calculated in its principles to create monopolies in our State, which also, according to our Bill of Rights, is contrary to the genius of a free State, and ought not to be allowed to the great injury of our State, its wealth and population:

*Therefore Resolved*, That a joint committee be appointed, whose duty it shall be to consider the propriety of doing away the execution laws of the State, so far as respects the selling of lands by execution for debt, after some given period.



*Resolved further*, That they may consider the propriety of exempting from execution a part of a man's lands for a homestead freehold.

*Resolved*, That said committee may further inquire into the expediency of granting a respite in execution, or some given time, for persons whose lands may be sold by execution for debt, to redeem such lands; and that they have leave to report by bill or otherwise.

The question to concur with the resolution was determined in the affirmative.

Mr. Loretz presented the petition of several citizens of Lincoln county, praying for the repeal of the 6th section of the act of 1828, in relation to the government of the poor, &c. The said petition was read and referred to the committee of Propositions and Grievances.

The resignations of David Tate, colonel commandant of the 2d regiment of the Orange county militia; James Ratliff, jun. lieutenant colonel of the 1st regiment of the Anson county militia; and Joshua Walters, justice of the peace for the county of Anson, were presented, read and accepted.

On motion of Mr. Nash, the House then adjourned until to-morrow morning, 10 o'clock.

---

WEDNESDAY, NOVEMBER 25, 1829.

On motion of Mr. Hill, of Wilmington.

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of repealing or amending the law prohibiting the entry of swamp lands; and that they have leave to report by bill or otherwise.

On motion of Mr. Stockard,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of providing by law for the case of a member of the Bar withdrawing from practice, by promotion to the Bench, or otherwise, so as to provide for refunding to clients any sums by them paid; or if any legislative interference is necessary; and that they report by bill or otherwise.

Mr. Gause, with leave, presented a bill for the better regulation of the town of Smithville, in Brunswick county

Mr. Nicholson presented a bill to diminish the price of vacant lands in the State; Mr. Brooks presented a bill concerning the allowance of extra compensation to the county officers of Chatham; and Mr. Swain presented a bill to secure the fair valuation of lands in this State, when the same shall be given in for taxation. These bills were severally read the first time and passed; and the latter, on motion of Mr. Swain, referred to the committee of Finance.

Mr. Mendenhall, from the committee of Claims, to whom was referred the resolution in favor of Absalom Williams, of the county of Davidson, reported that the committee, according to order, had considered the said resolution, and directed him to return it to the House, with a recommendation that it be passed. The said resolution was read the second time and passed.

On motion of Mr. Newland,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of altering the law in regard to amercement of sheriff, by making the amercement proportional in some certain ratio to the amount of the execution; and that they report by bill or otherwise.

A message from the Senate, proposing that the two Houses, at their meeting to-morrow, ballot for Solicitor of the 6th Judicial circuit, to supply the vacancy occasioned by the death of Joseph Wilson; and informing that William Julius Alexander and Anderson Mitchell are in nomination for the appointment. The message was concurred in, and the Senate informed by message that the name of James Graham is added to the nomination.

Mr. Smallwood, with leave, presented a bill respecting the sale of lands under justices' execution, in the county of Beaufort; which was read the first time and passed.



Mr. Newland, with leave, presented a bill to amend a part of the fourth section of an act, passed in the year 1822, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government; which was read the first time and passed, and, on the motion of Mr. Newland, referred to the committee of Finance.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution directing them to inquire whether any alteration in the criminal law of the State is necessary, reported that the committee, according to order, had considered the said resolution, and directed him to report a bill on the subject, entitled a bill amendatory of the law respecting bigamy, and to recommend its passage. The said bill was read the first time, passed and made the order of the day for to-morrow.

Mr. Wright, with leave, presented a bill appointing trustees for Union Academy, in the county of Duplin; which was read the first time and passed.

On motion, ordered that the bill concerning the Public Treasurer be referred to the committee of Finance.

The bill concerning the patrols of Richmond county; also the bill to provide for the payment of jurors in the county of Rowan and Wake, were read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing that they had passed the engrossed resolution instructing the committee of Finance to burn a certain amount of Treasury notes; in which they ask the concurrence of this House. The said resolution was read, concurred in, and ordered to be enrolled.

The House, agreeably to the order of the day, took up the bill to reduce the salaries of the Judges of the Supreme Court; which was read the second time and rejected—yeas 48, nays 82. The yeas and nays called for by Mr. Smith of Chatham.

Those who voted in the affirmative, are Messrs. M. Baker, Z. Baker, Banner, Brooks, Brown, Brower, Buie, Buttner, Byrum, Clark, Cox, Edmonston, Enloe, Hancock, Harper, Horton, Jarvis, Kerr, Little, Loretz, Love, Monk, Morris, Moye, Mullen, Murphey, Newland, Neill, Patrick, Purcell, Rawls, Richardson, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. G. Smith, Snyder, Speight, W. W. Stedman, Stockard, Taylor, Thompson, Wilder, R. Wooten, A. W. Wooten, C. Wooten, Wright—48 yeas.

Those who voted in the negative, are Messrs. Alexander, Arrington, Barnard, Barringer, Bateman, Bethell, Blair, Bogle, Borden, Branch, Bynum, Calloway, Campbell, Carson, Chamblee, Chesson, Cooper, Cunningham, Davenport, Dozier, Farrier, Fisher, Gary, Gaston, Gause, Graham, Grandy, Green, Hatch, Haughton, Haley, Hellen, J. A. Hill, W. T. Hill, Hough, W. G. Jones, W. Jones, Jordan, Kendall, King, Larkins, Lilly, Long, Mebane, Melvin, Mendenhall, Mhoon, Moore, Murchison, P. Murphey, M'Gehee, M'Lane, M'Neill, Nash, N. Nicholson, T. Nicholson, O'Brian, Orr, Pearson, Polk, Rhodes, Russell, Sasser, Sawyer, Shipp, Simpson, N. Smith, Standy, Stokes, Swain, Watts, Webb, Wheeler, S. Whitaker, J. Whitaker, White, Wilkinson, J. W. Williams, J. Wilson, T. Wilson, Wycine, York—82 nays.

The resignation of Bryant Wooten, justice of the peace for the county of New Hanover, was presented, read and accepted.

The Speaker selected Messrs. Whitaker of Macon, Swain, Love, Haughton and Patrick a committee on the resolution presented yesterday by Mr. Whitaker of Macon, on the expediency of extending the laws over the Cherokee nation, so far as the chartered limits of the State extend.

The Speaker also selected Messrs. Monk, Campbell, Sasser, Buie and Fisher a committee to join the committee, appointed by the Senate, on so much of the Governor's message as relates to the purchase of slaves to be



employed by the Board of Internal Improvement in their works of internal improvement.

Messrs. Calloway, Mendenhall, Smith of Chatham, Mebane and Farrier were selected by the Speaker as a committee to join the committee, appointed by the Senate, on so much of the Governor's message as relates to a Penitentiary and Lunatic Asylum.

The House then, on the motion of Mr. Newland, adjourned until to-morrow morning, 10 o'clock.

---

THURSDAY, NOVEMBER 26, 1829.

The following bills, with leave, were presented, to wit: By Mr. Neill, a bill to allow compensation to the jurors of Burke; by Mr. J. W. Williams, a bill for the better regulation of the Courts of the county of Beaufort; by Mr. Wilkinson, a bill respecting jurors in the county of Hyde; by Mr. B. T. Simmons, a bill concerning the rates of pilotage in this State; and by Mr. Morris, a bill more effectually to prevent obstructions to the passage of fish up Rocky river, joining Anson county, to the Mecklenburg line. These bills were severally read the first time and passed.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution directing them to inquire into the expediency of giving to the words "liquidated accounts," contained in the act of 1820, a legislative meaning, reported that the committee had, according to order, considered the said resolution, and directed him to report a bill on the subject, entitled a bill fixing the true construction of the terms liquidated accounts contained in the act of 1820, entitled an act to extend the jurisdiction of justices of the peace, and to recommend its passage. The said bill was read the first time and passed, and, on motion, made the order of the day for to-morrow.

On motion of Mr. Bynum, ordered that the Senate be informed by message that Messrs. Shipp and Long attend the Senate as a committee on the part of this House to conduct the balloting for Solicitor, to supply the vacancy occasioned by the death of Joseph Wilson.

Received from the Senate certificates from the clerk of the County Court of Craven county in favor of Thomas Ewell, Christopher Bexly and John Rhem, pensioners of the State, allowing the two former a pension of forty dollars each, and the latter a pension of one hundred dollars, countersigned by the Speaker, which, by direction of the House, were countersigned by the Speaker, and returned to the Senate.

A message from the Senate, informing that Mr. Mosely and Mr. Marshall form the committee to conduct the balloting, on their part, for Solicitor.

And received from the Senate a message, informing that they had passed the engrossed bill to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hertford and Duplin, and asking the concurrence of this House. The said bill was read the first time, amended and passed.

Mr. Swain presented the petition of Sally Speight, praying, for reasons stated in her petition, to have certain property secured to her against the claim of her husband, or any of his creditors. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

The bill to alter the names of Ezekiel Harrison Wall and Elizabeth



Ann Tabitha Wall, of Columbus county; also the bill to repeal an act of 1805, chapter 36, entitled an act to amend an act of Assembly now in force for the better regulation of the town of Morganton, were read each the second time and passed.

The engrossed bill to establish and incorporate Hickory Grove Academy, in the county of Anson, on the lands of John Carmichal; also the engrossed bill for altering the time of appointing overseers of roads in the county of Richmond, were read the second time and passed.

Mr. Shipp, from the committee appointed to superintend the balloting for Solicitor, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for Solicitor. The message was concurred in, and the Senate informed by message that Messrs. Shipp and Long form the committee on the part of this House, and wait on the Senate for that purpose.

Mr. Wilson, with leave, presented a bill to authorise the Court of Pleas and Quarter Sessions for the county of Caswell to enlarge the Court-house Square in said county, and for other purposes; which was read the first time and passed.

A message from the Senate, informing that Messrs. Mosely and Marshall attend this House as a committee to conduct the balloting for Solicitor on their part.

The bill concerning the elections in the county of Carteret, was read the second time and passed.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution on the subject of the criminal law, reported that the committee had, according to order, the said resolution under consideration, and directed him to report a bill on the subject, and to recommend its passage. The said bill, entitled a bill to render void the sale of spiritous liquors by the small measure; which was read the first time and passed.

Mr. Carson, with leave, presented a bill shewing how far certain incorporated companies now existing by law, or hereafter to be created, shall be entitled to recover in any action or suit by them instituted. The said bill was read the first time, passed, and, on motion, referred to Messrs. Carson, Nash and Fisher.

The bill for the better regulation of the town of Smithville, in Brunswick county; and the bill appointing trustees for Union Academy, in the county of Duplin; also the bill to legitimate Alexander Cheshire, of the town of Edenton, were read the second time and passed.

Mr. Long, from the committee appointed to conduct the balloting for Solicitor, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Bynum, ordered that a message be sent to the Senate, proposing to ballot again immediately for Senator.

A message from the Senate, consenting to ballot immediately for Solicitor, and informing that Messrs. Mosely and Marshall form the committee on their part. On motion, ordered that a message be sent to the Senate, in-



forming that Messrs. Shipp and Long attend the Senate as a committee on the part of this House to conduct the balloting for Solicitor.

The resolution in favor of Absalom Williams, of the county of Davidson, was read the third time and passed. Ordered that the said resolution be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Wheeler, ordered that the bill more effectually to prevent frauds in deeds of trust, mortgages, and other conveyances, be referred to the committee on the Judiciary.

On motion, ordered that the bill to amend an act, passed in the year 1773, entitled an act for the relief of insolvent debtors, with respect to the imprisonment of their persons; and the bill to place that class of people called Quakers, Moravians, Menonists and Dunkards, on equal footing with the freemen of this State, be made the orders of the day for to-morrow.

On motion, ordered that the bill to diminish the price of vacant land in this State, be the order of the day for Saturday next; and that the bill amendatory of the law respecting the crime of bigamy, be the order of the day for to-morrow.

Mr. Fisher, with leave, presented a bill to regulate the sale of lands, and to protect from execution a certain portion of the freehold of the citizens of North Carolina. The said bill was read the first time and passed, and, on the motion of Mr. Carson, made the order of the day for Monday next and be printed, one copy for each member of the Assembly.

Mr. Mhoon, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Lincoln, on the subject of some of the paupers of said county, reported unfavorably to the prayer of the petition, and recommended its rejection. The question to concur with the report was determined in the affirmative.

Mr. Mhoon, from the same committee, reported on the petition in favor of Archibald Brown, sheriff of Robeson county, recommending its passage. The report was concurred in, and the resolution read the first time and passed.

Received from the Senate the following resolutions:

*Resolved*, That so much of the Governor's message as relates to the division of the State into smaller judicial districts, be referred to a select joint committee.

*Resolved*, That said committee be instructed to inquire into the expediency of so modifying the Supreme Court, as that the judges of that court shall perform judicial circuits.

*Resolved*, That the said committee be further instructed to inquire into the expediency of so changing the Supreme Court as to provide for the holding the said courts by a greater number of judges.

*Resolved further*, That the said committee be instructed to inquire into the expediency of making some provision by law for holding the courts of the recess of the regular sessions of the Superior Courts for the trial of criminal cases, when the same cannot be had at the regular sessions of the courts of the county.

*Resolved*, That Messrs. Miller, Caldwell, Meares, Spaight and Dick form this committee on the part of the Senate.

In which they ask the concurrence of the House of Commons. The said resolutions were read, concurred in, and a committee selected, consisting of Messrs. Gaston, Hill of Wilmington, Nash, Graham and Swain, and the Senate informed thereof by message.

The resignations of John Dargan, colonel commandant of the second regiment of the Montgomery county militia; Samuel Cress, of the county of Cabarrus; and Malcom Monroe, of Montgomery county, justices of the peace, were presented, read and accepted.

Whereupon the House, on the motion of Mr. Carson, adjourned until to-morrow morning, 10 o'clock.



FRIDAY, NOVEMBER 27, 1829.

Mr. Shipp, from the committee appointed to superintend the balloting for Solicitor, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Moore, ordered that a message be sent to the Senate, proposing to ballot this morning for Solicitor. A message from the Senate, stating that Messrs. Moore and Montgomery attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Mr. Pearson and Mr. Bynum attend that House as a committee on the part of this House to conduct the balloting for Solicitor.

Mr. Cox, with leave, presented a bill authorising the Clerk of the Court of Pleas and Quarter Sessions of the county of Jones to make entry of lands when directed by the court of said county, when there is no legal entry taker in said county. The said bill was read the first time and passed.

And Mr. Swain, in pursuance to a petition, presented a bill to authorise the Governor to grant certain lands to the Baptist congregation at Franklin, in the county of Macon; which was read the first time, and, on the motion of Mr. Swain, referred to the committee on Public Lands.

Mr. Taylor, with leave, presented a bill concerning the University of North Carolina; which was read the first time and passed, and, on the motion of Mr. Taylor, referred to the select committee on so much of the Governor's message as relates to the University.

On motion of Mr. Edmonston,

*Resolved*, That no call of the House for absent members shall be made except ordered by the House.

Mr. Wyche, with leave, presented a bill supplementary to the several acts now in force for the relief of insolvent debtors; and further to mitigate the severity of executions. The said bill was read the first time and passed, and, on the motion of Mr. Wyche, referred to the Judiciary committee.

A message from the Senate, proposing to ballot this morning for major general of the 4th division of the militia. The message was concurred in, and the Senate informed by message that Mr. Swain and Mr. Smith of Craven wait on the Senate to conduct the balloting on the part of this House.

Mr. Whitaker, of Wake, in pursuance to a petition, presented a bill to alter the name of Mary Ann Frances Davis, and to legitimate her. The said bill was read the first time and passed.

Mr. Bynum, from the committee appointed to conduct the balloting for Solicitor, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing of the concurrence with the proposition to ballot for major-general of the 4th division, and that Mr. Williams, of Martin, and Mr. Smith attend this House to conduct the balloting on their part.

A message from the Senate, informing that they had passed the following engrossed bills, and asking the concurrence of this House, to wit: A bill



to revive an act, passed in the year 1828, entitled an act to authorise the committee of Finance of Iredell county to settle with the commissioners of Statesville; a bill to authorise the Courts of Pleas and Quarter Sessions of Camden county to appoint a committee of Finance; a bill to repeal so much of an act, passed in 1827, entitled an act to keep open the Tucka-gee river, the Tennessee river, and tributary streams, in the county of Haywood, so far as relates to the Catugajay creek, now in the county of Macon; a bill for the protection of the bridge erected across Scuppernon river at Columbia, in Tyrrell county; a bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; and a bill to authorise the justices of Iredell county to purchase a tract of land, and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of said county. The said bills were respectively read the first time and passed.

A message from the Senate, informing that Messrs. Burns and Miller attend this House as a committee on their part to conduct the balloting for Senator in Congress. On motion, ordered that the Senate be informed by message, that Mr. Campbell and Mr. Borden attend the Senate as a committee to conduct the balloting on the part of this House.

Mr. Swain, from the committee appointed to conduct the balloting for major-general of the 4th division, reported that the committee had performed that duty, and it appeared on examining the ballots, the majority of the whole number was found to be in favor of Thomas G. Polk, who was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again for Solicitor in the 6th Judicial circuit. The message was concurred in, and the Senate informed by message that Mr. Pearson and Mr. Bynum attend the Senate as a committee to conduct the balloting on the part of this House. A message from the Senate, informing that Mr. Sherard and Mr. Williams, of Franklin, form the committee on their part to conduct the balloting for Solicitor.

On motion, ordered that the engrossed bill to amend an act, passed 1828, entitled an act to allow compensation to jurors of the original pannel in the county of Buncombe, be laid on the table.

Mr. Borden, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

The bill respecting jurors, in the county of Hyde; also the bill more effectually to prevent obstructions to the passage of fish up Rocky river, joining Anson county, to the Mecklenburg line; also the bill for the better regulation of the Courts of the county of Beaufort; and also the bill to allow compensation to the jurors of the county of Burke, were severally read the second time and passed.

Mr. Bynum, from the committee appointed to conduct the balloting for Solicitor, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report, was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for



Solicitor of the 6th Judicial circuit. The message was concurred in, and the Senate informed that Mr. Bynum and Mr. Pearson form the committee to conduct the balloting on the part of this House.

The bill to repeal an act of 1805, chapter 36; also the bill concerning the elections in the county of Carteret; also the bill appointing trustees for Union Academy, in the county of Duplin; and also the bill to alter the names of Ezekiel Harrison Wall and Elizabeth Ann Tabitha Wall, of Columbus, were severally read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing that Messrs. Williams of Franklin and Sherard attend this House as a committee on their part to conduct the balloting for Solicitor.

On motion of Mr Nash, ordered that all the public bills on the table made the order of the day for this day, be the orders of the day for Monday next.

The engrossed bill to establish and incorporate Hickory Grove Academy, in the county of Richmond, on the lands of John Carmichal, was read the third time, passed, and ordered to be enrolled.

The bill for the better regulation of the town of Smithville, in Brunswick county, was read the third time, passed and sent to the Senate for concurrence.

Mr. Whitaker, of Macon, with leave, presented a bill to revive and continue in force an act, passed in the year 1827, entitled an act to authorise Thomas Brown, of the county of Haywood, now Macon, to erect two gates on the public road leading from Franklin down Tennessee river; which was read the first time and passed.

Mr. Pearson, from the committee appointed to conduct the balloting for Solicitor, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again for Senator. On motion, ordered that said message be laid upon the table.

On motion, ordered that the bill to render void contracts for the sale of spiritous liquors by the small measure, be made the order of the day for tomorrow; and that the bill respecting the sale of lands under justices' executions in the county of Beaufort, be of the order of the day for Wednesday next.

The bill concerning the rates of pilotage in this State, was read and ordered to be laid on the table.

The resolution in favor of Archibald Brown, sheriff of Robeson, was read the second time and passed.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution directing them to inquire into the expediency of remunerating in some manner any citizen whose slaves may hereafter forfeit their lives to the laws of the State for any criminal offence, reported that the committee, according to order, had considered the said resolution, and directed him to report that it is inexpedient to pass such a law, and to ask that the committee be discharged from the further consideration of the subject. The question to concur with the report was determined in the affirmative.

The resignations of William H. Bryson, of Macon county; and E. Everett,



of Beaufort county, justices of the peace, were presented, read and accepted.

The bill to legitimate Alexander Cheshire, of the town of Edenton and county of Chowan, was read the third time and passed. Ordered that the said bill be engrossed, and sent to the Senate for concurrence.

Whereupon the House, on the motion of Mr. Stanly, adjourned until tomorrow morning, 10 o'clock.

SATURDAY, NOVEMBER 28, 1829.

Mr. Stedman presented the petition of Clement H. Hill, of Gates county, praying that the sum of two hundred dollars, which he has paid in consequence of a fine imposed on him for an assault and battery on the body of a certain Jesse Reed, a man of colour, be refunded to him. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Hill, of Wilmington, from the committee on Internal Improvement, to whom was referred the message of the Governor, stating that the sum of two thousand one hundred and thirteen dollars and ninety cents is in deposit in the State Bank of North Carolina, to the credit of the Governor of the State, reported that the committee had considered the message, and directed him to report a resolution requesting his Excellency the Governor to deliver to the Public Treasurer his check for the said sum, and that the Public Treasurer be directed to bring the said amount into his account to the credit of the State. The said resolution was read, passed, ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Bynum, from the committee appointed to conduct the balloting for Solicitor, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Swain, ordered that a message be sent to the Senate, proposing to ballot this morning for Solicitor.

Mr. Mendenhall, from the committee of Claims, to whom was referred the petition of James Riley, of Davidson county, reported a resolution directing the Secretary of State to issue a grant to him for one hundred and ten acres of land, agreeably to the courses described in said resolution. The report was read, concurred in, and ordered to be engrossed; and sent to the Senate for concurrence.

Mr. Carson presented the petition of sundry citizens of Rutherford county in favor of James Hurd, praying that he may be restored to the privileges of a citizen, which he had forfeited in consequence of a conviction of a conspiracy. On motion of Mr. Carson, the said petition was referred to the committee of Propositions and Grievances.

The bill to authorise the County Court of Pleas and Quarter Sessions for the county of Caswell to enlarge the court house square in said county, and for other purposes, laid on the table yesterday, was read the second time, amended and passed.

A message from the Senate, consenting to ballot for Solicitor, and informing that Messrs. Martin and Moore attend this House as a committee to conduct the balloting on their part. On motion, ordered that the Senate be informed by message that Messrs. Bynum and Pearson form the committee on the part of this House to superintend the balloting for Solicitor.



A message from the Senate, informing that they had passed the engrossed bill to amend an act to alter the time and places of holding the elections in Greene county; in which they ask the concurrence of this House. The said bill was read the first time and passed.

The engrossed bill to revive an act, passed in the year 1828, entitled an act to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; also the engrossed bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; also the engrossed bill to authorise the Court of Pleas and Quarter Sessions of Camden county to appoint a committee of Finance, were severally read the second time and passed.

A message from the Senate, proposing to ballot immediately for Senator in Congress. The message was concurred in, and the Senate informed by message that Mr. Campbell and Mr. Long wait on the Senate as a committee to conduct the balloting on the part of this House.

Mr. Pearson, from the committee appointed to conduct the balloting for Solicitor, reported that the committee had performed that duty, and that it appeared, on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

The engrossed bill to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hertford and Duplin, was read the second time, amended and passed.

A message from the Senate, informing that Messrs. Miller and Burns attend this House as a committee to conduct the balloting for Senator in Congress, on their part.

The engrossed bill for the protection of the bridge across Scuppernong river, at Columbia, in Tyrrell county, was read the second time, amended and passed.

On motion, ordered that a message be sent to the Senate, proposing to ballot again immediately for Solicitor, and informing that the name of James Graham is withdrawn from the nomination.

The engrossed bill to repeal so much of an act, passed in the year 1827, entitled an act to keep open the Tuckasegee river and tributary streams, in the county of Haywood, so far as relates to the Catugajay creek, now in the county of Macon, was read the second time and passed.

The bill authorising the clerk of the Court of Pleas and Quarter Sessions of the county of Jones to make entries of land when directed by the Court of said county, when there is no legal entry-taker in said county; also the bill to alter the name of Mary Ann Frances Davis, and to legitimate her; also the bill to revive and continue in force an act, passed in the year 1827, entitled an act to authorise Thomas Brown, of the county of Haywood, now Macon, to erect two gates on the public road leading from Franklin down Tennessee river, were severally read the second time and passed.

A message from the Senate, informing of the assent of that House to ballot immediately for Solicitor; and that Messrs. Williams, of Martin, and Moore, attend this House as a committee to conduct the balloting on their part. On motion, ordered that the Senate be informed by message, that Messrs. Pearson and Bynum form the committee on the part of this House to conduct the balloting.

Mr. Campbell, from the committee appointed to conduct the balloting for



Senator in Congress, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for Senator in Congress. The message was concurred in, and the Senate informed by message that Mr. Campbell and Mr. Long form the committee of superintendence of the balloting on the part of this House.

The bill for the better regulation of the Courts of the county of Beaufort; also the bill to allow compensation to the jurors of the county of Burke; also the bill respecting jurors in the county of Hyde, were severally read the third time, passed, ordered to be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing that Messrs Burns and Miller form the committee on their part to conduct the balloting for Senator in Congress.

Mr. Pearson, from the committee appointed to conduct the balloting for Solicitor, reported that the committee had performed that duty, and that it appeared, on examining the ballots, the majority of the whole number was found to be in favor of William Julius Alexander, who was duly elected. The question to concur with the report was determined in the affirmative.

The bill more effectually to prevent obstructions to the passage of fish up Rocky river, joining Anson county, to the Mecklenburg line, was read the third time, passed, ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Mebane,

*Resolved*, That this State has a right to demand of the General Government at least an equal proportion of the surplus funds of said Government, to be applied by the Legislature of this State to the internal improvement of the same.

*Resolved further*, That it is the opinion of this Legislature, that such appropriation should first be applied to those improvements in this State, which are of most importance to the State, while at the same time they contribute most to the general good; and that the General Government have no right to make any appropriation, or internal improvement in this State, without the consent of the State.

On motion, ordered that the said resolution be laid on the table.

Mr. Calloway presented the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of amending the criminal law, so as to prevent the moving of criminal causes from one county to another, except in such causes as may appear to the entire satisfaction of the Court to be indispensable to the ends of justice in behalf of the State; and in such cases where the criminals, who may petition the Court for the removal of suits, can shew by other good evidence that there is a strong probability they cannot have justice done them in the county where such suit may be commenced.

The said resolution was read, and, on motion, rejected.

Mr. Williams, with leave, presented a bill respecting the patrols in the county of Beaufort; which was read the first time and passed.

The resolution in favor of Archibald Brown, sheriff of Robeson county, was read the third time, passed, ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Borden presented the following resolution:

Whereas it is an object of great importance to the commerce of this State that the waters of Neuse river should be connected with those of Beaufort:

*Resolved*, That a joint select committee be appointed to take into consideration the most effectual means for making such canal; and to inquire into the propriety of requiring the aid of the General Government thereto.



*Resolved,* That said committee have leave to report by bill or otherwise.

A message from the Senate, informing of their concurrence with the proposition of this House that the report of the commissioners appointed under a resolution of the last General Assembly on the claim of the State against the United States, and the old standing accounts on the books of the Comptroller's office, be referred to a select joint committee, and on their part to Messrs. Davidson, Wellborn, Love, Matthews and Hinton of Beaufort, and that the report be printed, one copy for each member of the Assembly; and informing further that Messrs. Mitchell, Mosely and Moore form on their part the committee on the Public Library.

Received from his Excellency the Governor, by his Private Secretary, Mr. Muse, the following communication:

*To the Honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—I have received from the Executive of Virginia two sets of drafts, which are herewith transmitted, one is a plan of the Lunatic Asylum at Lynchburg, and is to be found in the tin box: that in the wooden box is the plan of the Asylum at Williamsburg.

The first is subject to no charge. For the execution of the other, the artist charges one hundred dollars. This charge I learn from Governor Giles is deemed by him exorbitant, and as the drawing was made without any previous bargain, it has been forwarded, either to be used and paid for or returned without cost. No appropriation is made for this work; and if the Legislature should determine to retain it for the use of the State, it will be necessary to order it to be paid for.

I have the honor to be, &c. &c.

JNO. OWEN.

*Executive Department, Nov. 28, 1829.*

The communication was read, and, on motion, referred to the committee on the Penitentiary and Lunatic Asylum.

Received from his Excellency the Governor, by his Private Secretary, the following message:

*To the Honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—I have the honor to transmit you the report of the Board of Internal Improvement for the last year.

I am respectfully, &c. &c.

JNO. OWEN.

*Executive Department, Nov. 28, 1829.*

The said message was read, and, on motion, referred to the committee on Internal Improvement, and sent to the Senate with a proposition, that the report of the Board of Internal Improvement be printed, one copy for each member of the Assembly.

Mr. Hill, of Wilmington, from the committee on Internal Improvement, to whom was referred the message of the Governor in relation to the manner in which the 25,000 dollars subscribed by the State to the Yadkin Navigation Company has been disposed of, &c. and enclosing a printed report of the President and Directors of said company, made to the stockholders in the year 1825, reported that it is not in the power of the committee to report any certain or satisfactory information in relation to the subject referred to them; that the printed report before alluded to is the only source of information to which they have had access. The accounts of the company are by that report brought down to the 31st of December, 1824. It appears from said report that at that time there was a balance in the hands of the Treasurer of the company of \$24,410 87½, consisting of bonds and judgments due from individuals in this State and South Carolina; many of whom are by the report represented to be insolvent. If further information



on this subject be thought advisable, the committee would respectfully suggest that it is in the power of the Legislature to compel the Treasurer of said company to state a full account. The committee beg leave to refer to the said report for a more particular account of expenditures, &c. by the company, and pray to be discharged from the further consideration of the subject. The question to concur with the report was determined in the affirmative.

The House then, on the motion of Mr. Sawyer, adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 30, 1829.

Mr. Long, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot immediately for Senator in Congress, and informing that the name of Samuel P. Carson is withdrawn from the nomination. The message was concurred in, and the Senate informed that Messrs. Polk and Gary attend the Senate as a committee to conduct the balloting on the part of this House. A message from the Senate, informing that Messrs. Davidson and Ward attend this House as a committee on their part to conduct the balloting for Senator in Congress.

A message from the Senate, stating that they had passed the engrossed bill to amend an act, passed 1824, entitled an act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; in which they ask the concurrence of this House. The said bill was read the first time and passed.

Mr. Moore, with leave, presented a bill to alter the name of Thomas Petille, of the county of Surry, and to legitimate him; and Mr. Newland, a bill concerning a troop of cavalry in Burke, Wilkes and Iredell. The said bills were read the first time and passed.

A message from the Senate, informing that they concur in the amendment made in the bill for altering the time of appointing overseers of roads in the county of Richmond. Ordered that the said bill be enrolled.

On motion of Mr. Wheeler,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of enacting a law which will tend to repress the practice of medicine in this State by incompetent persons.

The bill to authorise the Court of Pleas and Quarter Sessions for the county of Caswell to enlarge the Court-house square in said county, and for other purposes, was read the third time, passed, ordered to be engrossed, and sent to the Senate for concurrence.

The Speaker, in pursuance to the resolution presented on Saturday last, for the purpose of raising a joint select committee to take into consideration the most effectual means of connecting the waters of Neuse with those of Beaufort harbor, by a ship channel, selected Messrs. Borden, Gaston, Smith, of Craven, Hellen and Swain. On motion, ordered that the said resolution be sent to the Senate for concurrence.

Mr. Polk, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty,



and that it appeared, on examining the ballots, neither of the persons in nomination had a majority of the whole number. The report was concurred in.

A message from the Senate, proposing to ballot again immediately for Senator in Congress. The message was concurred in, and the Senate informed that Mr. Hatch and Mr. Buie form the committee to conduct the balloting on the part of this House.

Mr. Mhoon, from the committee of Propositions and Grievances, to whom was referred the petition of Sally Speight, reported that the committee had considered the petition, and directed him to report a bill in pursuance to the prayer of the petition, entitled a bill for the relief of Sally Speight, of Greene county, and to recommend its passage. The said bill was read the first time and passed.

Mr. Mhoon, from the same committee, to whom was referred the petition of William G. Morris, of the town of Newbern, reported that the committee had considered the said petition, and directed him to recommend to the House that it be rejected. The report was read, and, on the motion of Mr. Gaston, laid on the table.

A message from the Senate, informing that Messrs. Davidson and Ward form the committee on their part to conduct the balloting for Senator in Congress.

Mr. Mendenhall, from the committee of Claims, to whom was referred the petition of Stephen Pearson, of Wake county, reported that the committee had, according to order, considered the said petition, and directed him to report a resolution, and to recommend its passage, to carry into effect the prayer of the petition. The resolution was read the first time and passed.

The engrossed bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; and also the engrossed bill to authorise the Court of Pleas and Quarter Sessions of Camden county to appoint a committee of Finance, were read the third time, passed, and ordered to be enrolled.

The bill to alter the name of Mary Ann Frances Davis, and to legitimate her, was read the third time. On motion of Mr. Wyche, ordered to be laid on the table.

Mr. Dozier, with leave, presented a bill to amend an act, passed in 1824, entitled an act to authorise the opening of a road in the counties of Camden and Pasquotank, and the putting a float bridge across Pasquotank river; which was read the first time and passed.

Mr. Hill, of Wilmington, from the committee on Internal Improvements, to whom was referred the memorial of the Roanoke Navigation Company, reported that the committee, according to order, had considered the said memorial, and deemed the prayer reasonable, and instructed him to report a resolution to attain the object, and to recommend its passage. The said resolution was read the first time and passed.

The resignation of Hillory Willie, justice of the peace for the county of Gates, received from the Senate, was read and accepted.

On motion of Mr. Nash, proceeded to the orders of the day, and took up the bill amendatory of the law respecting bigamy; which was read the second time and passed—yeas 93, nays 33. The yeas and nays were called for by Mr. Dozier.



Those who voted in the affirmative, are Messrs. Alexander, M. Baker, Z. Baker, Banner, Barringer, Bateman, Bethell, Blair, Bogle, Borden, Branch, Brooks, Brower, Buie, Butler, Bynum, Byrum, Calloway, Campbell, Carson, Chamblee, Clark, Cooper, Cox, Cunningham, Edmonston, Enloe, Farrier, Fisher, Gary, Gaston, Graham, Hancock, Hatch, Haley, W. S. Hill, Horton, Hough, Jarvis, W. J. Jones, W. Jones, Jordan, Kerr, Kendall, King, Larkins, Lilly, Little, Loretz, Love, Mebane, Melvin, Mendenhall, Mhoon, Monk, Moore, Moye, Mullen, Murphey, M'Neil, Nash, Newland, Nicholson, O'Brian, Orr, Pearson, Polk, Purcell, Rawls, Rhodes, Richardson, Russell, Sasser, Shipp, Simpson, Smallwood, Snyder, Speight, Stanly, Swain, Taylor, Thompson, Watts, S. Whitaker, J. Whitaker, White, J. Wilson, T. Wilson, Wiseman, R. Wooten, C. Wooten, Wright, York—93 yeas.

Those who voted in the negative, are Messrs. Arrington, Barnard, Bell, Brown, Chesson, Davenport, Dozier, Gause, Grandy, Green, Harper, Haughton, J. A. Hill, Long, Morris, Murchison, M'Gehee, M'Lane, Neill, Patrick, Sawyer, L. R. Simmons, B. T. Simmons, Sloan, N. Smith, N. G. Smith, Stegman, Stockard, Webb, Wheeler, Wilder, Williams, A. W. Wooten—33 nays.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 1, 1829.

Mr. Hatch, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Branch, ordered that a message be sent to the Senate, proposing to ballot again immediately for Senator in Congress.

Mr. Swain, with leave, presented, a bill to incorporate the Vance Literary Society, of Ashville; which was read the first time and passed.

A message from the Senate, agreeing to ballot again for Senator in Congress, and informing that Messrs. Sneed and Hinton, of Wake, attend this House as a committee, on their part, to conduct the balloting. Ordered that the Senate be informed by message that Mr. Newland and Mr. Branch form the committee on the part of this House to conduct the balloting for Senator in Congress.

The bill for the relief of Sally Speight, of Greene county, was read, and, on motion, recommitted to the committee of Propositions and Grievances.

The bill concerning the allowance of extra compensation to the county officers of Chatham, was read the second time, and, on motion of Mr. Smith, of Chatham, amended. The question, "shall the said bill pass as amended?" was determined in the affirmative.

Mr. Swain, with leave, presented a bill to amend an act, passed in the year 1817, entitled an act prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated land; which was read the first time and passed, and made the order of the day for to-morrow.

The bill respecting patrols in the county of Beaufort, was read, and, on motion, ordered to be laid on the table.

Mr. Newland, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that it appeared, on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again immediately for Senator in Congress.



Mr. Haughton, with leave, presented a bill for the more perfect administration of justice in capital cases; which was read, and, on motion of Mr. Haughton, laid on the table, and be printed one copy for each member of the Legislature.

A message from the Senate, consenting that the report of the Board of Internal Improvement be printed, as proposed by this House. //

A message from the Senate, agreeing that the report of the Commissioners appointed in virtue of an act of the General Assembly, for the representation of the stock of the State, &c. &c. in all general meetings of the several Banks in this State, be referred to the joint select committee on so much of the Governor's message as relates to the Banks and circulating medium of the State. The message was read, concurred in, and the Senate informed thereof by message.

A message from the Senate, that they had passed the following engrossed bills, to wit: A bill to make compensation to the jurors of the county of Brunswick; a bill relative to the Wadesborough Academy, in the county of Anson; a bill to compel the clerk of the County Court of Pleas and Quarter Sessions of Gates county to keep the whole of the records, books, &c. belonging to his office, in the office at Gates Court-house; a bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825; and also the resolution concerning the Banks; in which they ask the concurrence of this House.

The engrossed bill to make compensation to the jurors of Brunswick county; also the bill relative to the Wadesborough Academy, in the county of Anson; and also the bill to compel the clerk of the County Court of Pleas and Quarter Sessions of Gates county to keep the whole of the records, books, &c. belonging to his office, in the office at Gates Court-house, were respectively read the first time and passed.

The resolution concerning the Banks, was read, concurred in, and ordered to be enrolled.

The bill amendatory of the law respecting bigamy, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The bill to amend an act for the relief of insolvent debtors, with respect to the imprisonment of their persons. being read, Mr. Fisher moved to amend it, by striking out all the bill, except the words "A Bill," and inserting an amendment, which he presented. On motion, ordered that the bill and amendment be laid on the table.

On motion, ordered that the bill fixing the true construction of the terms "liquidated accounts," contained in the act of 1820, entitled an act to extend the jurisdiction of justices of the peace; also the bill to place that class of the people called Quakers, Moravians, Dunkards and Menonists, on equal footing with the other free men of this State, be made the order of the day for to morrow.

A message from the Senate, informing that they had passed the engrossed bill to provide for the payment of jurors in the counties of Rowan and Wake, and for other purposes, with an amendment, and asking the concurrence of this House. On motion, ordered that the said bill and message be laid on the table.

A message from the Senate, proposing that the engrossed bill, entitled a bill concerning the elections in the county of Carteret, be referred to a joint



committee, consisting of the members from the 4th Congressional district. The reference was concurred in, and the Senate informed thereof by message.

The bill to render void contracts for the sale of spiritous liquors by the small measure, was read the second time and rejected—yeas 36, nays 86. The yeas and nays demanded by Mr. Cooper.

Those who voted in the affirmative, are Messrs. Z. Baker, Banner, Barringer, Bateman, Bogle, Borden, Buie, Butner, Byrum, Campbell, Chesson, Cunningham, Fisher, Gaston, Gause, Graham, Greene, Haughton, Hellen, Kendall, King, Mendenhall, Murchison, P. Murphey, J. Murphey, M'Lean, M'Neill, Nash, Nicholson, Patrick, Purcell, Stockard, Swain, Taylor, J. Whitaker, White—36 yeas.

Those who voted in the negative, are Messrs. Alexander, Arrington, M. Baker, Barnard, Bell, Bethell, Blair, Branch, Brooks, Brown, Brower, Calloway, Carson, Chamblee, Clark, Cooper, Cox, Davenport, Dozier, Edmonston, Enloe, Farrier, Gary, Grandy, Hancock, Harper, Hatch, Haley, J. A. Hill, W. S. Hill, Horton, Hough, Jarvis, W. G. Jones, W. Jones, Jordan, Kerr, Larkins, Lilly, Little, Loretz, Love, Mebane, Melvin, Mhoon, Monk, Moore, Morris, Moye, Mullin, M'Gehee, M'Neill, O'Brian, Orr, Pearson, Polk, Rawls, Rhodes, Richardson, Russell, Sasser, Sawyer, Simpson, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. G. Smith, Snyder, Speight, Stanly, Stedman, Thompson, Watts, Webb, S. Whitaker, Wilder, Williams, Wilson, Wiseman, R. Wooten, C. Wooten, A. W. Wooten, Wright, Wyche, York—86 nays.

The House then, on the motion of Mr. Hellen, adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, DECEMBER 2, 1829.

John D. Eccles, the member representing the town of Fayetteville, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Campbell,

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of making an appropriation to connect the waters of Lockwood's folly and Elizabeth river by a canal.

*Resolved further*, That the said committee have leave to report by bill or otherwise.

A message from the Senate, proposing to ballot this morning for a Senator in Congress. The message was concurred in, and the Senate informed that Mr. Stedman and Mr. Lilly attend the Senate as a committee on the part of this House to conduct the balloting.

On motion of Mr. Wyche,

*Resolved*, That the committee on Military Affairs be instructed to examine the condition of the public arms in the Arsenal at this place, the means used for their preservation and safe keeping, and that they report by bill or otherwise.

A message from the Senate, informing that Messrs. Caldwell and Montgomery, of Hertford, attend this House as a committee on their part to conduct the balloting for Senator in Congress.

The engrossed bill to amend an act, passed 1823, entitled an act to allow compensation to jurors of the original pannel, in the county of Buncombe, was read the first time, amended and passed.

On motion of Mr. Fisher, the bill to regulate the sale of lands, and to protect from execution a certain portion of the freehold of the citizens of this State, was committed to Messrs. Fisher, Carson, Pearson, Jones of Warren and Hatch.

Mr. Moore, in pursuance to a petition, presented a bill to authorise Matthew M. Hughes, of the county of Surry, to erect a dam across Fisher's river; which was read the first time and passed.

Mr. Larkins, with leave, presented a bill authorising the Court of Pleas and Quarter Sessions of New Hanover county to appoint a committee of Finance; which was read the first time and passed.



The engrossed bill for the protection of the bridge erected across Scuppernon river, at Columbia, in Tyrrell county, was read the third time, passed, and sent to the Senate, asking their concurrence in an amendment in said bill.

Mr. Stedman, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was concurred with.

On motion of Mr. Hill, of Wilmington, ordered that a message be sent to the Senate, proposing to ballot again immediately for Senator in Congress. A message from the Senate, consenting to ballot immediately for Senator in Congress, and informing that Messrs. Caldwell and Montgomery, of Hertford, attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Messrs. Rhodes and Nicholson, of Richmond, attend the Senate as a committee on the part of this House to conduct the balloting.

Mr. Nicholson, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

The engrossed bill to amend an act, passed 1828, entitled an act to alter the time and places of holding the elections in Greene county, was read the second and third times, passed and ordered to be enrolled.

Mr. presented the petition of Thomas P. Devereux, reporter of the decisions of the Supreme Court, asking for such an alteration of the law relating to the time of publishing said decisions as to have the summer and winter to perform that duty in. Ordered, on motion, that the said petition be referred to the Judiciary Committee.

The bill to alter the name of Thomas Pettile, of the county of Surry, and to legitimate him, was read, and, on the motion of Mr. Wyche, ordered to lie on the table.

On motion of Mr. Bogle,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of providing by law that all debts due from deceased persons, and others, shall be regarded in law of equal dignity; and be entitled in the absence of full assets to proportionate payment.

The resignations of Hardy Perry, of Jones county; Wilkes Brooks, of Pitt county; George Whitfield, of Lenoir county; John Cook, of Rowan county; and D. Bryan, of Edgecomb county, justices of the peace, were severally presented, read, and accepted.

The bill to place that class of people called Quakers, Moravians, Dunkards and Menonists, on equal footing with other freemen of this State, was read the second time and passed—yeas 65, nays 61. The yeas and nays called for by Mr. Branch.

Those who voted in the affirmative are Messrs. Arrington, M. Baker, Banner, Barnard, Bateman, Bell, Bethell, Branch, Brooks, Brown, Brower, Butner, Calloway, Chamblee, Clark, Cooper, Cox, Daveport, Dozier, Edmonston, Enloe, Farrier, Grandy, Greene, Hancock, Harper, Hatch, Haughton, W. S. Hill, Horton, W. G. Jones, Keir, Kendall, Lilly, Mebane, Monk, J. Murphey, M'Neil, Neill, N. Nicholson, Orr, Patrick, Pearson, Purcell, Rawls, Rhodes, Richardson, L. R. Simmons, B. T. Simmons, Sloan, N. Smith, N. G. Smith, Speight, Stedman, Stockard, Taylor, Thompson, Watts, S. Whitaker, Wilder, Williams, Wilson, R. Wooten, A. W. Wooten, Wright—65 yeas.

Those who voted in the negative are Messrs. Alexander, Z. Baker, Barringer, Bogle, Bor-



den, Buie, Bynum, Byrum, Campbell, Carson, Chesson, Eccles, Gary, Gaston, Gauze, Graham, Haley, Hellen, J. A. Hill, Hough, Jarvis, W. Jones, Jordan, King, Larkins, Little, Long, Loretz, Love, Melvin, Mendenhall, Moore, Morris, Moye, Mullin, Murehison, P. Murphy, M'Gehee, M'Lane, Nash, Newland, O'Brian, Polk, Russell, Sasser, Sawyer, Shipp, Simpson, Smallwood, Snyder, Stanly, Swain, Webb, Wheeler, J. Whitaker, White, T. Wilson, Wiseman, C. Wooten, Wyche, York—61 nays.

The House then, on the motion of Mr. Bateman, adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 3, 1829.

The bill to amend an act, passed in the year 1827, entitled an act prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated land, was read the second time and passed.

The engrossed bill to repeal so much of an act, passed in the year 1827, entitled an act to keep open the Tuckasegee river and tributary streams, in the county of Haywood, so far as relates to the Catogajay creek, now in the county of Macon; also the engrossed bill to revive an act, passed in 1828, entitled an act to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville, were read the third time, passed, and ordered to be enrolled.

A message from the Senate, proposing that a balloting take place this morning for Senator in Congress. The message was concurred in, and Mr. Sasser and Mr. Calloway appointed a committee, on the part of this House, to conduct the balloting.

A message from the Senate, informing that they had passed the engrossed resolution in favor of George Rish, and asking the concurrence of this House. The said resolution was read, concurred in, and ordered to be enrolled.

A message from the Senate, informing that Messrs. Hinton, of Wake, and Matthews, attend this House as a committee, on their part, to conduct the balloting for Senator in Congress.

The bill authorising the clerk of the Court of Pleas and Quarter Sessions of the county of Jones to make entries of land, when directed by the Court of said county, when there is no legal entry-taker in said county; also the bill to revive and continue in force an act, passed in the year 1827, entitled an act to authorise Thomas Brown, of the county of Haywood, now Macon, to erect two gates on the public road leading through his plantation, down the Tennessee river; also the bill concerning the allowance of extra compensation to the clerk and sheriff of Chatham county. These bills were severally read the third time, passed, and ordered to be engrossed and sent to the Senate, asking the concurrence of that House.

A message from the Senate, informing of their concurrence with the proposition to refer to a joint select committee the resolution to take into consideration the most effectual means of connecting the waters of Neuse river with those of Beaufort harbor, by a ship channel; and that Messrs. Burns, Hinton, of Beaufort, Moye, Dickinson and Meares, form the committee on their part.

Mr. Monk, with leave, presented a bill concerning commissioners, &c. of public works; which was read the first time and passed.

Mr. Hill, of Wilmington, from the committee to whom was referred the memorial of sundry citizens of Burke county, reported that the committee had considered the memorial, and directed him to report a bill to carry into effect its object, entitled a bill for an appropriation to construct a



road through Laurel Gap, and to recommend its passage. The said bill was read the first time and passed.

Mr. Mhoon, from the select committee, to whom was referred that part of the Governor's message relating to the salary of Chief Justice Taylor, reported that the committee, according to order, had the subject under consideration, and directed him to report a resolution, authorising and directing the Public Treasurer to pay, on account of the salary, the sum of eight hundred and eighty-six dollars and ninety-nine cents; four hundred and sixty-eight dollars and nineteen cents thereof to Wm. Gaston, his assignee, and the balance or residue to his administrator; and to recommend its passage. The said resolution was read the first time and passed.

Mr. Calloway, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Cooper, ordered that a message be sent to the Senate, proposing that another balloting for Senator in Congress take place immediately.

The bill to incorporate the Vance Circulating Library Society of Ashville, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate, asking the concurrence of that House.

A message from the Senate, consenting to ballot immediately for Senator in Congress, and informing that Messrs. Matthews and Dick form the committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Messrs. Wilson, of Perquimons, and Banner attend the Senate as a committee to conduct the balloting on the part of this House.

Mr. Lilly, with leave, presented a bill to alter the name of Boaz Adams, of the county of Montgomery; and Mr. Little, a bill for the purpose of preventing a nuisance in the town of Tarborough. These bills were read the first time and passed.

The engrossed bill to authorise the justices of the peace of Iredell county to purchase a tract of land, and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of the county, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking their concurrence in the amendment.

The engrossed bill to amend an act, passed 1824, entitled an act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; also the engrossed bill to make compensation to the jurors of the county of Brunswick; and the engrossed bill relative to the Wadesborough Academy, in Anson county, were read the third time, passed, and ordered to be enrolled.

Mr. Wilson, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Swain, ordered that a message be sent to the Senate, proposing to ballot again immediately for Senator in Congress.

The engrossed bill to compel the clerk of the County Court of Pleas and



Quarter Sessions of Gates county to keep the whole of the records, books, &c. belonging to his office in the office at Gates court house, was read the second and third times, passed, and ordered to be enrolled.

The bill to amend the act, passed A. D. 1824, entitled an act to authorise the opening of a road in the counties of Camlen and Pasquotank, and putting a float bridge across Pasquotank river; also the bill to authorise Matthew Hughes, of the county of Surry, to erect a dam across Fisher's river, were read the second and third times, passed, and ordered to be sent to the Senate, asking the concurrence of that House.

On motion of Mr. Calloway,

*Resolved*, That a select committee be appointed, whose duty it shall be to inquire into the expediency of requesting our Representatives and instructing our Senators in Congress to use their exertions to have all the vacant lands of the United States, in any of the States and Territories, sold as soon as can reasonably be done at a fair price, to be equitably apportioned among the different States and Territories of the Union for the purpose of education; and that they have leave to report by bill or otherwise.

*Resolved*, That Messrs. Calloway, Sawyer, Little, Pearson and Graham form this committee.

The bill fixing the true construction of the terms, "liquidated accounts," contained in the act of 1820, entitled an act to extend the jurisdiction of justices of the peace, was read the third time and passed, and ordered to be engrossed and sent to the Senate, asking the concurrence of that House.

On motion, ordered that the bill respecting the sale of lands under justices' execution in the county of Beaufort be referred to the committee on the Judiciary; and that the bill concerning a troop of cavalry in Burke, Wilkes and Iredell be referred to the committee on Military Affairs.

On motion, ordered that the bill to amend an act, passed in the year 1773, entitled an act for the relief of insolvent debtors with respect to the imprisonment of their persons, be made the order of the day for to-morrow.

On motion of Mr. Hill, of Wilmington, ordered that the bill authorising the Court of Pleas and Quarter Sessions of New Hanover county to appoint a committee of Finance, be laid on the table.

Mr. Whitaker, of Macon, presented the following resolution:

Whereas, by the fourteenth section of the act of 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, the Governor of the State was authorised to instruct the commissioners as to the money or notes of Banks, other than those of this State, which shall be received in payment of said lands; and at the time of the sale it was understood by the purchasers, that according to the instructions given under said act, that the notes of the Banks of South Carolina, Georgia and Tennessee would be received in payment; and it appearing that said instructions, so given, are not to be found:

*Be it therefore resolved*, That the Public Treasurer is authorised to receive in payment any of the notes of the Banks of South Carolina, Georgia and Tennessee now considered solvent, on the notes now due from the purchasers of said land.

The resolution was read the first time and passed, and, on the motion of Mr. Wyche, referred to the committee of Finance.

On motion, of Mr. Newland,

*Resolved*, That the Secretary of State be authorised and required to issue a grant to John Lowrie, of Burke county, for three hundred acres of land, entered November 9th, 1816, No. 6607, lying and being on both sides of the Blue Ridge: beginning at a forked white oak, on the west side of the Blue Ridge, and runs east 110 poles to a buck-eye; then south ten, east 80 poles to a chesnut oak; then south 66 poles to two sourwoods and chesnut oak; then west 240 poles with Gillaspie's line to a stake on Tegert's line; thence north with Tegert's line 120 poles to Tegert's corner white oak; then east with Riddick's line to the beginning. Surveyed by James Dobson, August 18th, 1819.

On motion, ordered that the said resolution be referred to the committee of Claims.



The bill to diminish the price of vacant land in this State, was read the second time, and, on motion, postponed indefinitely.

Mr. Hill, of Wilmington, from the committee on Internal Improvement, to whom was referred the memorial of sundry citizens of the county of Currituck, on the subject of opening and deepening Currituck inlet, reported a bill to authorise the Board of Internal Improvement to contract for re-opening and improving Currituck inlet. The said bill was read the first time and passed.

The resignations of James Leith, of Hyde county; and Richard Wooten, of Columbus county, justices of the peace, were presented, read and accepted.

A message from the Senate, informing that they had passed the engrossed bill to provide for the payment of jurors in the counties of Rowan and Wake, with the following amendments, to wit: in the fourth and fifth lines of the first section, after the word "Rowan" insert the words "Duplin, Montgomery, Granville, Sampson, Bertie and Stokes," and to make the title of the bill correspond thereto; in which they ask the concurrence of this House. The amendments were read and concurred with, except that part which extends the provisions of the bill to the county of Stokes, and the Senate informed thereof by message.

The engrossed bill to amend an act, passed 1828, entitled an act to allow compensation to the jurors of the original pannel of the county of Buncombe, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendment.

The House then, on motion, adjourned until to-morrow morning, 10 o'clock.

---

FRIDAY, DECEMBER 4, 1829.

Mr. Edmonston presented the petition of sundry citizens of Haywood county on the subject of a turnpike road. On motion, the petition was referred to the committee on Internal Improvement.

On motion, ordered that Mr. O'Brian have leave of absence from the service of this House from this day until Monday next.

Mr. Smith, of Chatham, presented a bill to alter the time of the annual meeting of the General Assembly of this State; which was read the first time and rejected.

Mr. Shipp, from the committee to whom was referred the petition of sundry individuals, members of the Baptist church, in the vicinity of Franklin, in Macon county, reported that the committee had the petition under consideration, and directed him to report a bill on the subject, entitled a bill to authorise the Governor to grant certain lands to the Baptist congregation at Franklin, in the county of Macon, and to recommend its passage. The bill was read the first time and passed.

A message from the Senate, informing that Messrs. Mosely and Smith attend this House as a committee to conduct the balloting for a Senator in Congress on their part. On motion, ordered that the Senate be informed by message that Messrs. Bateman and Jones, of Warren, attend the Senate as a committee to conduct the balloting for Senator in Congress on the part this House.

Mr. Nash, from the Judiciary committee, to whom was referred a reso-



lution instructing them to inquire into the expediency of providing by law some certain rule, whereby the State causes in the 6th judicial circuit shall be taken up, reported that the committee, according to order, had considered said resolution, and instructed him to report that it is not necessary to legislate on the subject, and to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

Mr. Haughton, with leave presented a bill to effect a division of negroes and other chattel property held in common; which was read the first time and passed, and, on motion, referred to the committee on the Judiciary.

Mr. Bateman, from the committee appointed to conduct the balloting for a Senator in Congress, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river, above the mouth of Fishing creek; a bill to repeal an act, passed 1828, entitled an act to appoint commissioners on a part of the road leading from Morganton to Avery's turnpike road, in Burke county; a bill to legitimate Nathan Oliver, of the county of Washington; a bill concerning the liability of certain hands in the town of Lincolnton to work on roads; a bill to amend an act, passed in the year 1824, entitled an act for the better regulation of the town of Greensborough, in Guilford county; a bill to authorise the sheriff of Haywood county to collect certain taxes therein mentioned; a bill concerning the Buncombe Turnpike Company; and also the engrossed resolution concerning Miss Udney M. Blakely; in which they ask the concurrence of this House.

A message from the Senate, proposing that another balloting take place immediately for Senator in Congress. The message was concurred in, and the Senate informed by message that Messrs. Williams and Melvin attend the Senate as a committee on the part of this House to conduct the balloting; and informing further, that the name of Montfort Stokes is withdrawn from the nomination, and that of Charles Fisher added.

The engrossed bill to authorise the sheriff of Haywood county to collect certain taxes therein mentioned; also the engrossed bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river, above the mouth of Fishing creek; also the engrossed bill to repeal an act, passed A. D. 1828, entitled an act to appoint commissioners on a part of the road leading from Morganton to Avery's turnpike road, in Burke county; also the engrossed bill concerning the liability of certain hands in the town of Lincolnton to work on roads; and also the engrossed bill to amend an act, passed in the year 1824, entitled an act for the better regulation of the town of Greensborough, in Guilford county, were severally read the first time and passed.

A message from the Senate, informing that Messrs. Mosely and Smith form the committee on their part to conduct the balloting for a Senator in Congress.

Mr. Bateman, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that



duty, and that, on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that the bill to amend an act, passed in the year 1827, entitled an act prescribing upon what evidence the Public Treasurer should receive the purchase money for vacant and unappropriated land; also the bill to legitimate Nathan Oliver, of the county of Washington; and also the bill concerning the Buncombe Turnpike Company, be laid on the table.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution requiring them to inquire into the expediency of passing a law making usury indictable, reported that the committee had the subject under consideration, and directed him to report that the penalties already provided are sufficiently severe, and that it would be impolitic to increase them, or to vary the mode by which they are to be enforced, and to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

Mr. Melvin, from the committee appointed to conduct the balloting for a Senator in Congress, reported that the committee had performed that duty, and that it appeared, on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing that the two Houses ballot again immediately for Senator in Congress.

Mr. Blair presented the following resolution:

Whereas by an act of the General Assembly, passed in the year 1801, chapter 599, of the revised code, it is made the duty of the several commissioners of wrecks in this State, where property has been sold by them, and no person appears to claim the same within a given period, to deposit the amount of such sales, after deducting the lawful fees of said commissioners, in the office of the clerk of the County or District Court; and it is further made the duty of said clerk to pay the same into the Public Treasury, for the use of the State, should no claimant appear within a year and a day:

*Be it therefore resolved,* That the Public Treasurer furnish this House with a statement of the sums received since the passage of said act, under the direction of its provisions, designating the amounts, when, and from whom received.

On motion of Mr. Neill,

*Resolved,* That the Public Treasurer be directed to refund to David Mashburn, of Burke county, five dollars and ten cents, being money paid by him for the grant of land before granted by the State; and that the same be allowed him in the settlement of his account.

Which was read the first time, passed, and, on motion, referred to the committee of Claims.

On motion of Mr. Cox,

*Resolved,* That the Judiciary committee be instructed to inquire into the expediency of providing a limitation to actions on bonds; and that they report by bill or otherwise.

On motion of Mr. Morris,

*Resolved,* That the Military committee be instructed to inquire into the expediency of revising and distributing the laws of this State among the several militia officers thereof, and report by bill or otherwise.

The bill to amend an act, passed in the year 1773, entitled an act for the relief of insolvent debtors, with respect to the imprisonment of their persons, was read the second time. On motion, the said bill was amended, by striking out the whole, except the words "A Bill," and inserting an amendment, altering the title, to read "A bill for the relief of debtors for debts contracted before the first day of May, 1823." The question, Shall the said bill pass its second reading, as amended? was determined in the affirmative.



Mr. Gaston presented the petition of sundry citizens of Lenoir county, on behalf of William Murchie, praying that he may be permitted to enjoy all the privileges which the laws allow to citizens of fair character. On motion, the said petition was referred to the committee of Propositions and Grievances.

On motion, ordered that the bill for the more perfect administration of justice in capital cases; and the bill for an appropriation to construct a road through Laurel Gap, be made the order of the day for to-morrow.

The resolution in favor of the late Chief Justice Taylor, was read the second time and passed.

Mr. Polk presented the memorial of Joseph H. Bryan and William W. Jones, praying to be permitted to enter vacant and unappropriated land, in the county of Macon, to the amount of twenty thousand acres, to be paid for at one dollar per acre, when grants may be issued, for the express purpose of searching for gold, and promising to pay or deliver over to the State one sixteenth of all the precious metals they may find on said lands. On motion, ordered that the said memorial be referred to the committee on Public Lands.

On motion, ordered that the bill for the purpose of preventing a nuisance in the town of Tarborough be referred to the Judiciary committee.

A message from the Senate, informing that they had passed the engrossed bill more effectually to prevent obstructions in the passage of fish up Rocky river, joining Anson county to the Mecklenburg line, with an amendment, to wit: wherever Mecklenburg occurs in the caption and body of the bill, insert in lieu thereof the word Cabarrus; in which they ask the concurrence of this House. The amendment was read, concurred in, and the Senate informed thereof by message.

The engrossed resolution concerning Miss Udney M. Blakely was read the first time and passed.

The resignation of Luke Hendrin, justice of the peace for the county of Wilkes, was presented, read and accepted.

The bill to prevent fraud in deeds of trust and mortgages, was read the second time, amended and passed—yeas 98, nays 24. The yeas and nays called for by Mr. Hill, of Wilmington.

Those who voted in the affirmative, are Messrs. Alexander, Banner, Barnard, Barringer, Blair, Bogle, Borden, Branch, Brooks, Brower, Buie, Buttner, Bynum, Byrum, Calloway, Campbell, Chamblee, Chesson, Cooper, Cunningham, Dozier, Edmonston, Enloe, Farrier, Fisher, Gary, Graham, Grandy, Green, Hancock, Harper, Haughton, Haley, W. S. Hill, Hough, Jarvis, W. Jones, Kerr, Kendall, King, Larkins, Lilly, Long, Loretz, Love, Mebane, Melvin, Mendenhall, Moore, Moye, Mullen, P. Murphey, J. Murphey, M'Gehee, M'Lean, M'Neill, Nash, Newland, Neill, N. Nicholson, Orr, Patrick, Pearson, Polk, Purcell, Rawls, Rhodes, Richardson, Russell, Sasser, Sawyer, Shipp, Simpson, L. R. Simmons, B. T. Simmons, Smallwood, N. Smith, N. G. Smith, Snyder, Speight, Stedman, Stockard, Swain, Taylor, Watts, Wheeler, S. Whitaker, J. Whitaker, White, Wilder, Williams, J. Wilson, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wyche—98 yeas.

Those who voted in the negative, are Messrs. M. Baker, Z. Baker, Bethell, Brown, Carson, Clark, Cox, Davenport, Eccles, Gause, Hatch, Hellen, J. A. Hill, Jordan, Little, Monk, Morris, Murchison, Sloan, Stanly, Thompson, Webb, Wright, York—24 nays.

On motion, ordered that the said bill be printed and made the order of the day for Monday next.

The Speaker laid before the House a communication from the Public Treasurer, containing statements of the affairs of the Bank of the State of



North Carolina and the Bank of Cape Fear, filed in his office since the date of the Public Treasurer's report. The communication was read, and ordered to be sent to the Senate by message, proposing that the statements be printed.

The House then, on the motion of Mr. Wheeler, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 5, 1829.

Mr. Mhoon, from the committee of Propositions and Grievances, to whom was recommitteed the bill for the relief of Sally Speight, of Greene county, reported that the committee had, according to order, reconsidered the said bill, and directed him to report that the case of the petitioner is embraced in the acts of 1814 and 1828; and that it is inexpedient for the Legislature now to legislate in her behalf. The question to concur with the report was determined in the affirmative.

A message from the Senate, consenting to ballot immediately for Senator in Congress, and informing that Messrs. Brown and Crump attend this House as a committee to conduct the balloting on their part. On motion, ordered that the Senate be informed by message that Messrs. Stanly and Mendenhall attend the Senate as a committee to conduct the balloting on the part of this House.

On motion of Mr. Polk,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the criminal law as more effectually to punish the offence of passing, or offering to pass counterfeit notes, checks or drafts on the Bank of the United States.

Mr. Graham, with leave, presented a bill to amend and improve the Hickory Nut Gap road; which was read the first time, passed, and, on motion referred to the committee on Internal Improvement.

Mr. Jarvis presented a bill to provide for the draining of Mattamuskeet lake; which was read and referred to the committee on Internal Improvement.

Mr. Stockard presented a bill to incorporate Bethmont Academy, in the county of Orange; which was read the first time and passed.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution directing them to inquire into the expediency of extending the provisions of the act of 1822, so as to embrace the cases of fines and forfeitures due the State, and fees due Solicitors, reported that it is not in their opinion necessary to pass any law upon the subject, those now in force embracing, as they believe, the cases of fines and forfeitures, and Solicitors' fees, and asked to be discharged from the further consideration of the subject. The question to concur with the report was determined in the affirmative.

Mr. Stanly, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Blair, ordered that a message be sent to the Senate, proposing to ballot again immediately for Senator in Congress.

The engrossed bill to repeal so much of the act, passed in the year 1810, as prevents any person from working seines and nets in Tar river, above the mouth of Fishing creek; also the engrossed bill to authorise James M'Kee,



sheriff of Haywood county, to collect certain taxes therein mentioned; also the engrossed bill concerning the liability of certain hands in the town of Lincolnton to work on roads; also the engrossed bill to repeal an act, passed A. D. 1828, entitled an act to appoint commissioners on a part of the road leading from Morganton to Avery's turnpike road in Burke county; and also the engrossed bill to amend an act, entitled an act for the better regulation of the town of Greensborough, in Guilford county, were respectively read the second and third times, passed and ordered to be enrolled.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution directing them to inquire into the expediency of providing by law for the case of a member of the bar withdrawing from the practice, so as to provide for refunding to clients any sums by them paid, reported that the committee having had the resolution under consideration, directed him to report it is not necessary to legislate on the subject, and to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

The bill to amend an act, passed in the year 1827, entitled an act prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands; also the bill for the relief of debtors for debts contracted before the first day of May, 1823, were read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

The resolution in favor of Stephen Pearson, of Wake county, was read the second time and passed.

The resolution in favor of the late Chief Justice of the Supreme Court, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The bill to authorise the Governor to grant certain lands to the Baptist congregation, in the county of Macon, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Stokes presented the petition of Leonard Whittington, of Wilkes county, stating, that in pursuing a fugitive from justice into the State of Kentucky, under a demand of said fugitive by the Executive of this State, he had sustained great expense in the execution of his duties, and praying for remuneration. On motion, ordered that said petition be referred to the committee of Claims.

Mr. Kendall presented the petition of sundry citizens of Montgomery county, respecting the number of petty musters in the year; which being read, was, on motion, referred to the Military committee.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill concerning the County Courts of Martin; and a bill to authorise Richard T. Brumley, of the county of Lincoln, to erect a gate on his land; in which they ask the concurrence of this House.

The engrossed bill to authorise Richard T. Brumley, of the county of Lincoln, to erect a gate on his land; and the engrossed bill concerning the county courts of Martin, were read the first time; the former passed; and the latter, on motion, laid on the table.

Mr. Eccles presented the certificate of the clerk of the county court of Cumberland county, in favor of Isabella Campbell, widow of the late James Campbell, allowing her a pension of forty dollars for the present year. On motion, ordered that the said certificate be countersigned by the Speaker, and sent to the Senate.



Mr. Nash, from the Judiciary committee, to whom was referred a resolution directing them to inquire into the expediency of providing by law that all debts due from insolvent deceased debtors shall be of equal dignity, and to be paid pro rata out of the assets, reported that by the provisions of the act of the last session, the subject matter of said resolution comes within its provisions, and the duties of the commissioners appointed under its directions "to revise the laws of the State, relative to executors and administrators," it is not necessary at this time for the Legislature to interfere; the committee therefore pray to be discharged from the further consideration of the subject. The question to concur with the report was determined in the affirmative.

On motion of Mr. Bynum, ordered that the resolution asserting the right of the State to demand of the General Government at least an equal proportion of the surplus funds of said government to be applied by the Legislature of this State to the internal improvement, &c. &c. be printed, one copy for each member of the Assembly, and made the order of the day for Monday week.

Mr. Campbell, from the committee to whom was referred so much of the Governor's message as relates to the amount of produce annually exported from the State, reported that the committee, according to order, had considered the subject, and as it was not in their power to collect any certain information or data to found a report, they directed him to report a bill "to provide for obtaining information as to the produce exported from the State of North Carolina," and to recommend its passage. The said bill was read the first time, passed, and ordered to be printed.

Mr. Nash, from the Judiciary committee, to whom was referred the bill respecting the sale of lands under justices' executions in Beaufort county, reported that the committee had considered the bill, and deem it highly injurious in its effects to the citizens of Beaufort, and instructed him to return it to the House and to recommend its rejection. The report was concurred in, and the bill read and rejected.

The bill to alter the name of Boas Adams, of the county of Montgomery, was read the second time and passed. On motion, ordered that the said bill be read the third time, and the question shall the said bill pass its third reading? was determined in the negative.

Mr. Bogle, with leave, presented a bill concerning the County Courts of the county of Iredell, which was read the first time and passed, and, on motion, made the order of the day for Monday next.

On motion, ordered that the bill to place that class of people called Quakers, Moravians, Menonists and Dunkards on equal footing with the other freemen of this State, be made the order of the day for Monday next; and that the bill concerning the rates of pilotage in this State, be of the order of the day for Tuesday next.

The resolution concerning Miss Udney M. Blakely, was read the second time and passed.

Mr. Nash, from the committee on the Judiciary, to whom was referred the bill vesting in the County Courts jurisdiction of applications for the legitimation of bastard children, reported that the committee had considered said bill, and directed him to return it to the House with an amendment, and to recommend its passage, and to ask to be discharged from the further



consideration thereof. The amendment was read, concurred in, and the bill, as amended, read the first time and passed.

A message from the Senate, informing that they concur in the amendment made in this House in the engrossed bill to authorise the justices of the peace of Iredell county to purchase a tract of land, and erect thereon, such buildings as will be suitable for the comfortable accommodation of the poor of the county. On motion, ordered that the said bill be enrolled.

The engrossed bill to amend an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825, was read the second time, amended and passed.

A message from the Senate, informing of their concurrence with the amendment made in the engrossed bill for the protection of the bridge across Scuppernon river, at Columbia, in Tyrrell county. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill concerning the elections in Carteret county, with an amendment; in which they ask the concurrence of this House. The amendment was read, concurred in, and the Senate informed thereof by message.

The Speaker laid before the House the following report of the Public Treasurer:

In obedience to the resolution of the House of Commons of the General Assembly of the 4th instant, directing the Public Treasurer to furnish the House with a statement of the sums received since the passage of the act of Assembly of 1801, chapter 599, revised code, designating the amounts, when and from whom received, the Public Treasurer has the honor to report, that it does not appear from any documents in his office that the clerks of the counties mentioned in said act have made returns as directed by the provisions thereof, nor has any money been transmitted to the Treasury Department by them, or any of them.

Respectfully submitted.

WILLIAM ROBARDS, Public Treasurer.

The said report was read and ordered to be laid on the table.

The House then adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 7, 1829.

John Iver M'Millan, one of the members of Bladen county, appeared, produced his credentials, was qualified and took his seat.

Mr. Polk, from the Military committee, to whom was referred the bill establishing a troop of cavalry from the counties of Burke, Wilkes and Iredell, reported that the committee had the bill under consideration, and directed him to return it to the House, and recommend that it be passed. The said bill was read the first time and passed.

Mr. Cunningham, with leave, presented a bill to amend an act, passed in 1818, entitled an act appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town; which was read the first time and passed.

A message from the Senate, proposing to ballot immediately for a Senator in Congress. The message was concurred in, and the Senate informed by message that Messrs. Hatch and Nicholson attend the Senate as a committee on the part of this House to conduct the balloting.

Mr. Newland, with leave, presented a bill to repeal an act, passed in 1818, appointing commissioners on the road from Watauga, in Ashe county, to the head of Johns' river, in Burke county; and Mr. Wiseman, a bill concerning the elections in the county of Davidson; and Mr. Hatch,



in pursuance to a petition, a bill empowering the county court of Onslow to authorise Solomon E. Grant to erect a gate across the main road at Onslow Court-House. These bills were read the first time and passed, and the latter referred to the committee of Propositions and Grievances.

Mr. Swain presented the petition of sundry citizens of Buncombe county, praying for the appropriation of two thousand dollars for the improvement and completion of the road from Caney river and Ivey into the State of Tennessee. On motion of Mr. Swain, the petition was referred to the committee on Internal Improvement.

A message from the Senate, informing that Messrs. Miller and Sneed attend this House as a committee on their part to conduct the balloting for Senator in Congress.

Mr. Sawyer, with leave, presented a bill concerning the entry of land in this State; which was read the first time, passed, and, on motion, referred to the committee on Public Lands.

The resignation of Daniel Doherty, justice of the peace for the county of Lenoir, was presented, read, and accepted.

Mr. Hatch, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

The bill to place that class of people called Quakers, Moravians, Mennonists and Dunkards on equal footing with the other freemen of the State, was read the third time, and, on the motion of Mr. Webb, amended, to read "A bill to repeal a part of the second section of an act, entitled an act to revise the militia laws of the State relative to the infantry, passed A. D. 1806." Mr. Carson moved that the further consideration of the said bill be postponed indefinitely. The question thereon was determined in the affirmative—yeas 65, nays 60. The yeas and nays called for by Mr. Simmons.

Those who voted in the affirmative, are Messrs. Alexander, Z. Baker, Barringer, Blair, Bogle, Borden, Buie, Bynum, Byrum, Campbell, Carson, Chesson, Cunningham, Eccles, Enloe, Fisher, Gary, Gaston, Gauze, Graham, Hatch, Haughton, Haley, Hellen, J. A. Hill, Hough, W. Jones, Jordan, King, Larkins, Little, Long, Lovetz, Love, Melvin, Mendenhall, Moore, Morris, Moye, Mullin, Murchison, P. Murphey, M'Gehee, M'Lean, M'Millan, Nash, Newland, Pearson, Polk, Russell, Sasser, Sawyer, Shipp, Simpson, Snyder, Stanly, Stokes, Swain, Wheeler, J. Whitaker, White, J. Wilson, T. Wilson, Wiseman, York—65 yeas.

Those who voted in the negative, are Messrs. Arrington, M. Baker, Banner, Barnard, Bateman, Bethell, Branch, Brooks, Brown, Brower, Butner, Calloway, Chamblee, Cooper, Cox, Davenport, Dozier, Edmonston, Farrier, Grandy, Green, Hancock, Harper, W. S. Hill, Horton, W. G. Jones, Kerr, Kendall, Lilly, Mebane, Mhoon, Monk, M'Neill, Neill, Nicholson, O'Brian, Orr, Purcell, Rawls, Rhodes, Richardson, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. G. Smith, Speight, Stedman, Stockard, Taylor, Thompson, Watts, Webb, Wilder, Williams, R. Wooten, A. W. Wooten, C. Wooten, Wright, Wyche—60 nays.

The bill to incorporate Bethmont Academy, in the county of Orange, was read the second time and passed.

The House then, on motion of Mr. Branch, adjourned until to-morrow morning, 10 o'clock.

#### TUESDAY, DECEMBER 8, 1829.

A message from the Senate, proposing to ballot this morning for Senator in Congress. The message was concurred in, and the Senate informed that Mr. Polk and Mr. Rhodes form the committee of superintendence of the balloting, and informing that the name of Bedford Brown is added to



the nomination, and those of John R. Donnell and Charles Fisher are withdrawn from the nomination.

A message from the Senate, informing that they had passed the engrossed bill, entitled a bill to amend the 10th section of an act, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians; in which they ask the concurrence of this House. The said bill was read the first time and passed.

On motion of Mr. Wyche,

*Resolved*, That the committee of the Judiciary be instructed to inquire into the expediency of amending the act, passed in 1828, relative to the collection of debts from deceased persons, as to afford relief to securities of deceased persons, and also to prevent heirs and devisees from secreting, wasting or removing their effects during the stay of proceedings required by said act; and that they report by bill or otherwise.

A message from the Senate, informing that Mr. Ramsey and Mr. Davenport attend this House as a committee to conduct the balloting for Senator in Congress on their part.

Mr. Wheeler, with leave, presented a bill to provide for the compensation of jurors of Hertford county, in this State. The said bill was read the first time, amended to include Martin county, and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Vance Circulating Library Society of Ashville, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

Mr. Branch, from the select committee to whom was referred the resolution directing them to inquire into the expediency of altering the arrangement of the courts in the third Judicial circuit, reported that the committee had, according to order, considered the said resolution, and directed him to report a bill on the subject, entitled a bill to alter the times of holding the Superior Courts of Law and Equity in the third judicial circuit, and to recommend its passage. The said bill was read, and, on motion, ordered to be laid on the table.

A message from the Senate, informing of their assent to the amendment made in this House in the engrossed bill to amend an act, passed in 1828, entitled an act to allow compensation to jurors of the original pannel in the county of Buncombe. Ordered that the said bill be enrolled.

On motion, ordered that James Rhodes have leave of absence from this day until Monday next.

Mr. Polk, from the committee appointed to superintend the balloting for Senator in Congress, reported that on examining the ballots, the majority of the whole number was found to be in favor of Bedford Brown, who was duly elected. The question to concur with the report was decided in the affirmative.

On motion of Mr. Gary, ordered that a message be sent to the Senate, proposing to ballot for Governor of this State for the ensuing year, and informing that John Owen, the present Governor, is in nomination for the appointment.

Mr. L. R. Simmons, with leave, presented a bill to alter the times of holding the elections in the county of Columbus; Mr. Stedman presented a bill to incorporate Lake Drummond and Orapeake Canal Company; and Mr. Swain presented a bill to incorporate the Charitable Relief Society for



the benefit of superannuated ministers of the Gospel, and orphans of deceased ministers; which were respectively read the first time and passed.

On motion of Mr. Swain,

*Resolved*, That a message be sent to the Senate, proposing that the Legislature adjourn *sine die* on Saturday the 26th of December instant.

The bill to authorise the Board for Internal Improvement to contract for the re-opening and improving Currituck inlet, was read the second time and passed.

A message from the Senate, agreeing to the proposition of this House to print the exhibits of the State Bank of North Carolina, and the Bank of Cape Fear, accompanying the Treasurer's communication.

Mr. Graham presented the petition of sundry citizens of Rutherford county in favor of James Warren, praying that he may be restored to credit; and Mr. Swain presented the petition of sundry citizens of Buncombe county in favor of Benjamin Buckner, John Harwood and William Fisher, on the same subject. On motion, ordered that these petitions be referred to the committee of Propositions and Grievances.

On motion of Mr. P. Murphey,

*Resolved*, That the committee of Finance be instructed to inquire into the expediency of imposing a higher tax than is now authorised by law on persons peddling within this State.

Mr. Nash, from the Judiciary committee, to whom was referred a bill to provide for a division of negroes and other chattel property held in common, reported that the committee, according to order, had the said bill under consideration, and directed him to report the bill to the House without amendment, and to recommend its passage. The said bill was read the second time and passed.

The bill for an appropriation to construct a road through Laurel Gap, was read the second time and rejected.

A message from the Senate, consenting to ballot to-morrow for a Governor of the State for the ensuing year.

On motion of Mr. Newland, ordered that a message be sent to the Senate, proposing to raise a select joint committee, consisting of the members from the counties of Lincoln, Burke and Buncombe, whose duty it shall be to inquire into the expediency of turnpiking such parts of the road leading from Lincolnton to Asheville, via Morganton, as cannot be kept up by the public; and that they have leave to report by bill or otherwise.

The bill to prevent fraud in deeds of trust and mortgages, was read the third time and passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Mhoon, from the committee of Propositions and Grievances to whom was referred the petitions of John Hardcastle and Clement Hall, reported that the committee, according to order, had considered the said petitions, and directed him to report that it is inexpedient to grant the prayers thereof, and to pray to be discharged from the further consideration of the subjects. The question to concur with the reports was determined in the affirmative.

On motion, ordered that the bill concerning the rates of pilotage in this State, be referred to Messrs. B. T. Simmons, Barnard, Bateman, Gaston and Hill, of Wilmington.

Mr. Newland presented the petition of W. A. Erwin and John Suddorth, which, on motion of Mr. Newland, was referred to the select committee



appointed on the Laurel Gap road, consisting of the members from the counties of Lincoln, Burke, and Buncombe.

On motion, ordered that the resolution in favor of the Treasurer of the Roanoke Navigation Company, be laid on the table.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 9, 1829.

Mr. Polk, from the committee to whom was referred the resolution directing them to inquire into the expediency of so altering the law as to vest the power of selecting the parade ground to a majority of the members of each captain's company, reported that the committee had considered the resolution, and directed him to report a bill on the subject, entitled a bill concerning the place where company musters shall be held. The said bill was read the first time and passed.

On motion of Mr. Nicholson, of Richmond,

*Resolved*, That the committee on Finance be, and they are hereby directed to inquire into the expediency of directing the Public Treasurer of the State to issue Treasury Notes to the amount of seventy-five thousand dollars, of the denominations of 75 cents, 50 cents, 25 cents, 20 cents, 10 cents, 12½ cents, 10 cents, and 5 cents; and that they report by bill or otherwise.

Mr. Cooper presented the following resolution:

Whereas the revenue law compels all vessels and boats who hawk and peddle on any of the navigable waters of this State, to pay a tax of twenty-five dollars in each county in which they may so peddle, which tax has amounted to a prohibition to that class of citizens called peddlars on our navigable waters, and has proved to be a great injury to the citizens of this State:

*Be it therefore resolved*, That the committee of Finance be instructed to inquire into the expediency of so modifying the law as to reduce the tax from twenty-five dollars to ten dollars; and that they have leave to report by bill or otherwise.

Mr. M'Lean, who voted yesterday in the majority on the question of the rejection of the bill for an appropriation to construct a road through Laurel Hill Gap, moved that the House do now reconsider that vote. The question to concur with the motion, was decided in the negative.

A message from the Senate, consenting to ballot this morning for Governor of this State for the ensuing year, and that Messrs. Williams, of Franklin, and Davenport, attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed, by message, that Mr. Gary and Mr. Hill, of Wilmington, form the committee of superintendance of the balloting on the part of this House.

Mr. Hill, of Wilmington, from the committee on Internal Improvement, to whom was referred a resolution instructing them to inquire what amount of the appropriation of 2500 dollars for the purpose of locking into the Roanoke river, at Weldon, has been drawn out of the Treasury, reported that the committee had considered the said resolution, and directed him to report that the information required has been communicated in the report of the Board of Internal Improvement, and to ask that the committee be discharged from the further consideration thereof.

Mr. Hill, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of making an appropriation to connect the waters of Lockwood's Folly and Elizabeth river, by a canal, reported that the committee had considered the resolution, and instructed him to report that it is inexpedient at this time to make an appropriation, and to pray that the committee be discharged from the further consideration of the subject.

The said reports were read and concurred in.



Mr. Smith, of Craven, with leave, presented a bill for the improvement of Dover road; which was read the first time and passed, and, on motion, referred to Messrs. Smith of Craven, Sasser, Borden, Stanly and Gaston.

Mr. Gary, from the committee appointed to conduct the balloting for Governor of this State for the ensuing year, reported that the committee had performed that duty, and that on examining the ballots, it appeared John Owen, the present Governor, had a majority of the whole number, and was duly elected. The question to concur with the report was decided in the affirmative.

On motion of Mr. Gary, ordered that a message be sent to the Senate, proposing to raise a select joint committee for the purpose of waiting on the Governor to inform him of his re election, and to inquire of him when it will be convenient to qualify as such, and informing that Mr. Gary and Mr. Hill, of Wilmington, form the committee on the part of this House.

Mr. Monk, with leave, presented a bill supplementary to an act, passed 1828, entitled an act for improving the navigation of creeks and rivers, in the county of Sampson, and of Black river, so far as it is the dividing line between the counties of Sampson and Cumberland; which was read the first time and passed, and referred to the committee of Internal Improvement.

Mr. Patrick, with leave, presented a bill further to amend an act, passed in the year 1818, entitled an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain purposes; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: The bill to authorise the County Court of Pleas and Quarter Sessions of the county of Franklin to appoint wardens of the poor, and to build a poor and work house, and for other purposes; the bill to provide for the passage of fish in the county of Buncombe, up Laurel creek; the bill concerning Oxford Academy; the bill to appoint a committee of Finance for the county of Richmond; in which they ask the concurrence of this House.

The engrossed bill to authorise the County Court of Pleas and Quarter Sessions of the county of Franklin to appoint wardens of the poor, and to build a poor and work house, and for other purposes; also the engrossed bill concerning the Oxford Academy; also the engrossed bill to provide for the passage of fish in the county of Buncombe, up the Laurel creek, were read the first time and passed.

The engrossed bill to appoint a committee of Finance for the county of Richmond, and to prescribe the sum the clerk of the County Court and sheriff shall receive for their extra services, was read and ordered to be laid on the table.

Mr. Bogle, with leave, presented a bill to attach captain Alexander's company, of the county of Iredell, to the first regiment of the Iredell militia; which was read the first time and passed.

On motion of Mr. T. Wilson,

*Resolved*, That the committee on Military Affairs inquire into the expediency of so amending the militia laws of the State, as to provide for one general review annually, in lieu of all petty musters; and that they report by bill or otherwise.

The bill to effect a division of negroes and other chattel property held in common, was read the third time and passed, and, on motion, ordered to be engrossed, and sent to the Senate for concurrence.



The bill to authorise the Board of Internal Improvement to contract for the re opening and improving Currituck inlet, was read the third time. Mr. Newland moved that the said bill be laid on the table. The question thereon was determined in the negative. The bill was then put on its passage, and the question, shall the said bill pass its third reading? was determined in the affirmative—yeas 97, nays 25. The yeas and nays called for by Mr. Neill.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, M. Baker, Banner, Barnard, Barringer, Bateman, Bethell, Blair, Bogle, Brooks, Brown, Buie, Byrum, Campbell, Carson, Chamblee, Chesson, Cooper, Cox, Cunningham, Davenport, Dozier, Eccles, Enloe, Farrier, Fisher, Gary, Gause, Graham, Grandy, Green, Hatch, Haughton, Hayley, J. A. Hill, W. S. Hill, Horton, Jarvis, W. G. Jones, W. Jones, Jordan, Kerr, Kendall, King, Larkins, Lilly, Little, Long, Love, Mebane, Melvin, Mhoon, Monk, Moore, Moyer, Mullin, Murchison, P. Murphey, J. Murphey, M'Lean, M'Millan, M'Neill, Nash, N. Nicholson, T. Nicholson, O'Brian, Patrick, Pearson, Polk, Purcell, Rawls, Richardson, Russell, Sawyer, Shipp, Simpson, B. T. Simmons, Sloan, Smallwood, N. Smith, Stanly, Stedman, Stokes, Thompson, Watts, Webb, Wheeler, S. Whitaker, J. Whitaker, Williams, T. Wilson, R. Wooten, A. Wooten, C. Wooten, Wright, York—97 yeas.

Those who voted in the negative, are Messrs. Z. Baker, Branch, Brower, Butner, Edmonston, Hancock, Harper, Hough, Loretz, Morris, M'Gehee, Newland, Neill, Orr, L. R. Simmons, N. G. Smith, Snyder, Speight, Stockard, Taylor, White, Wilder, J. Wilson, Wiseman, Wyche—25 nays.

On motion, ordered that the said bill be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing that they had rejected the engrossed bill for the relief of debtors for debts contracted before the first day of May, 1823.

Mr. Long, with leave, presented a bill to incorporate the Philodemic Association, in the county of Halifax; which was read the first time and passed.

Mr. Fisher, from the select committee, to whom was referred the bill to regulate the sale of lands, and to protect from execution a certain portion of the freehold of the citizens of North Carolina, reported that the committee had considered the said bill, and directed him to return it to the House, with an amendment, and to recommend its passage. On motion, ordered that the report be laid on the table, and the bill reported, be printed, one copy for each member of the Assembly.

On motion of Mr. Newland,

*Resolved*, That Leonard Hix, of Burke county, be placed on the pension list of this State, and that he receive sixty dollars annually from the Treasury of this State, to be paid out of any funds not otherwise appropriated.

On motion of Mr. Newland, ordered that the said resolution be referred to the committee of Propositions and Grievances.

On motion of Mr. Blair,

*Resolved*, That the committee of Finance be instructed to inquire into the expediency of amending the revenue law, as to provide for the collection of a tax on incomes derived from stock held by citizens of this State in incorporated Companies, not chartered by the State; and that they report by bill or otherwise.

A message from the Senate, informing that Messrs. Davidson and Moseley form the joint select committee, on their part, to wait on his Excellency the Governor, and inform him of his election to the Chief Magistracy of this State the ensuing year, and to ascertain from him when it will be convenient to attend the General Assembly, and take the oaths of office.

Mr. Hill, of Wilmington, from the joint select committee appointed to wait on his Excellency Governor Owen, to inform him of his re-election



to the Chief Magistracy of the State for the ensuing year, and to ascertain when it may be convenient to him to attend the Legislature for the purpose of taking the oaths prescribed by law for his qualification, reported that the committee had performed that duty, and that the Governor elect desired them to inform the Assembly that at 12 o'clock to-morrow, he would wait on the Legislature and take the oaths of office.

On motion of Mr Cox,

*Resolved*, That Tuesday evening next be set apart for the purpose of recommending justices of the peace and militia officers, in the different counties in this State; and that the Senate be informed thereof by message.

A message from the Senate, informing that in consequence of the resignation of Bedford Brown, appointed Senator in the Congress of the United States, they have appointed David F. Caldwell their Speaker.

On motion, ordered that the bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825, be referred to Messrs. Shipp, Enloe, Wilson, of Caswell, Wyche and M'Millan.

Mr. Gaston, from the select committee, to whom was referred the bill concerning the rates of pilotage in this State, reported that the committee, according to order, had the said bill under consideration, and instructed him to return it to the House, with an amendment, and to recommend its passage. The amendment was read and concurred in, and the bill, as amended, read the second time and passed.

The resignation of Lewis Turner, colonel commandant of the Warren militia, was presented, read and accepted.

The Speaker laid before the House the report of the Adjutant-General on the state and condition of the militia. Ordered that it be sent to the Senate, by message, proposing that the report be printed, one copy for each member of the Assembly.

A message from the Senate, informing that they agree to the proposition of this House to refer to select joint committees the following subjects referred to in the Governor's message, to wit:

So much thereof as relates to the public documents on the subject of slavery, and to the constitutional power of the Congress of the United States in aid of the Colonization Society, to Messrs. Davidson, Hinton, Riddick, Harris and Crump.

On so much of said message as relates to State rights, and the tariff acts, and the Constitutional power of Congress to impose a tariff of duties, to Messrs. Davidson, Spaight, Wellborn, Mosely and Welch.

So much thereof as relates to the right of Congress to adopt a system of Internal Improvement, and to appropriate money to the purposes of Internal Improvement, to Messrs. Caldwell, Mosely, Franklin, Meares and Wilson.

The resolution in favor of Stephen Pearson, of Wake county, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Hellen,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of giving to house builders a lien upon the house they build, for the payment of their just demands for constructing the same; and that they report by bill or otherwise.

The said resolution was read and rejected.

On motion of Mr Bynum,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency



of repealing the law, passed in 1828, relative to executors and administrators; and that they be required to report by bill or otherwise.

A message from the Senate, informing that they adhere to the several amendments proposed by them to the engrossed bill to provide for the payment of jurors in the counties of Rowan and Wilkes, and for other purposes. On motion, ordered that the Senate be informed by message that this House recede from their amendment in the bill to provide for the payment of jurors in the counties of Rowan and Wilkes, and for other purposes.

Mr. Mebane presented two petitions from sundry citizens of Bertie county, on the subject of fisheries on Salmon creek, in said county. On motion, ordered that the said petitions be referred to Messrs. Mebane, Cooper, Chesson, Chamblee and Hayley.

A message from the Senate, informing that they had passed the engrossed resolution, directing the payment of a certain sum of money to the assignees and representatives of the late Chief Justice Taylor, and asking the concurrence of this House. On motion, ordered that the said resolution be laid on the table.

On motion of Mr. Hill, of Wilmington, the House adjourned until tomorrow morning, 10 o'clock.

---

THURSDAY, DECEMBER 10, 1829.

Mr. Whitaker, of Macon, with leave, presented a bill directing the Governor to convey certain lands in the county of Macon, and to establish Washington Academy; and Mr. Swain, a bill to erect out of a part of the counties of Buncombe and Burke a separate and distinct county. These bills were read the first time and passed, and the latter made the order of the day for Monday next.

Mr. Calloway, with leave, presented a bill to repeal an act, passed in the session of 1828, entitled an act to authorise the County Courts of the counties of Ashe and Wilkes to keep in repair the road by Jefferson, by the imposition of tolls on said road; which was read the first time and passed.

The engrossed resolution concerning Miss Udney M. Blakely, was read the third time and passed. Ordered that the said resolution be enrolled.

Mr. Wyche, from the committee of Finance, to whom was referred the resolution to authorise the Public Treasurer to receive the notes of solvent Banks in Georgia, South Carolina and Tennessee, in payment of bonds given for the purchase of Cherokee lands, reported that the committee had considered the resolution, and directed him to return it with a recommendation that it be rejected. The report was read and disagreed to, and the resolution read the second time, on the motion of Mr. Hill, of Wilmington, amended and passed.

The bill to incorporate the Charitable Relief Society for the benefit of superannuated ministers of the Gospel, and the widows and orphans of deceased ministers, was read the second time and passed.

Mr. Mhoon, from the committee of Propositions and Grievances, to whom were referred the petitions of Benjamin Buckner, John Harwood and William Fisher, reported that the committee had considered the said petitions, and directed him to return them to the House and to recommend that they be rejected. The question to concur with the report was determined in the affirmative.

Mr. Carson, with leave, presented a bill to authorise Charles Lewis, of



the county of Rutherford, to have the right of assessment by jury of such damages as he may have been subjected to by opening the road, called the Hickory Nut Gap Road, through his lands; which was read the first time and passed.

The bill concerning the County Courts of the county of Iredell; also the bill to alter the times of holding the elections in the county of Columbus; also the bill concerning the elections in the county of Davidson; also the bill concerning the county of Iredell; also the bill to amend an act, passed in 1828, entitled an act appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town, were respectively read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr Fisher, with leave, presented a bill to exempt the members of the several fire companies in this State from mustering, and for other purposes; which was read the first time, passed, and, on motion of Mr. Fisher, referred to the Military committee.

On motion, of Mr. Neill,

*Resolved*, That this House after Monday next hold evening sessions for the despatch of private business.

The bill amendatory of the laws relative to the pilotage at Occacock inlet, was read, and, on motion, recommitted to the same committee, with the addition of one member from each of the counties of Brunswick, New-Hanover, Onslow, Carteret, Craven, Hyde, Tyrrell, Beaufort, Currituck, Camden, Pasquotank, Washington, and the towns of Newbern, Wilmington and Edenton.

John Owen the Governor elect for the ensuing year, waited on the Legislature, both Houses being assembled in the Commons Hall, and qualified as such, by taking and subscribing the several oaths of office prescribed by law.

The resignation of Francis Daval, justice of the peace for the county of Jones, was presented, read and accepted.

Mr. Wyche, from the committee of Finance, to whom was referred the bill concerning the Public Treasurer, reported that the committee had considered the said bill, and instructed him to return it to the House and to recommend its rejection. The said bill was read the second time, and, on the motion of Mr. Polk, postponed indefinitely—yeas 80, nays 22. Yeas and nays called for by Mr. Taylor.

Those who voted in the affirmative, are Messrs. Arrington, Banner, Barnard, Bateman, Bell, Bethell, Bogle, Brown, Buttner, Byrum, Calloway, Campbell, Carson, Cox, Cunningham, Dozier, Eccles, Farrier, Fisher, Gary, Gause, Graham, Green, Haughton, Hayley, J. A. Hill, W. S. Hill, Hough, Jarvis, W. G. Jones, Kerr, Kendall, King, Lilly, Long, Loretz, Mebane, Melvin, Mhoon, Monk, Moye, Murchison, P. Murphey, J. Murphey, M'Gehee, M'Lean, M'Millan, M'Neill, Neill, N. Nicholson, T. Nicholson, O'Brian, Orr, Pearson, Polk, Rawls, Russell, Sawyer, Shipp, Simpson, B. T. Simmons, Sloan, Smallwood, N. G. Smith, Snyder, Stedman, Stokes, Swain, Watts, Webb, White, Wilder, Williams, J. Wilson, T. Wilson, Wiseman, A. Wooten, C. Wooten, Wyche, York—80 yeas.

Those who voted in the negative, are Messrs. M. Baker, Brower, Buie, Cooper, Davenport, Edmonston, Enloe, Hancock, Hatch, Horton, Jordan, Larkins, Little, Love, Mullen, Richardson, L. R. Simmons, Speight, Stockard, Taylor, Thompson, R. Wooten—22 nays.

The House then, on motion of Mr. Mebane, adjourned until to-morrow morning, 10 o'clock.



FRIDAY, DECEMBER 11, 1829.

Mr. Mhoon, from the committee of Propositions and Grievances, to whom was referred the bill empowering the County Court of Onslow to authorise Solomon E. Grant to erect a gate across the main road at Onslow court house, reported that the committee had, according to order, considered said bill, and directed him to return it to the House and to recommend its passage. The bill was thereupon read the second time and passed.

The bill to incorporate Bethmont Academy, in the county of Orange, was read the third time, passed, ordered to be engrossed, and sent to the Senate for concurrence.

The bill to incorporate Lake Drummond and Orapeake Canal Company, was read the second time and passed.

Mr. Nash, from the Judiciary committee, to whom was referred the memorial of Thomas P. Devereux, respectfully reported that the committee had given to the memorial due consideration, and directed him to report that it was inexpedient to legislate on the subject, and to ask that the committee be discharged from the further consideration thereof.

Mr. Nash, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of amending the criminal law, so as more effectually to punish the offence of passing, or offering to pass counterfeit notes, checks or drafts on the Bank of the United States, reported that the committee had duly considered the resolution, and directed him to report a bill on the subject, amendatory of the laws now in force for the suppression of counterfeiting, and to recommend its passage. The said bill was read the first time, passed, and made the order of the day for to morrow.

Mr. Hill, of Wilmington, from the committee on Internal Improvement, to whom was referred the bill to amend and improve the Hickory Nut Gap road, reported that the committee had considered said bill, and directed him to return it to the House with an amendment, and to recommend its passage. The said bill as amended, was read the second time and passed.

Mr. M'Neill, from the committee of Finance, to whom was referred the resolution instructing them to inquire into the expediency of reducing the tax on Pedlars on the navigable waters of this State, reported that the committee had considered the said resolution, and directed him to report that it is inexpedient to reduce the said tax. The question to concur with the report was determined in the affirmative.

On motion, ordered that the bill for the more perfect administration of justice in capital cases, be referred to Messrs. Haughton, Nash and Graham.

The engrossed bill to amend the 10th section of an act, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, was read the second time and passed.

Mr. Hancock, with leave, presented a bill to compel the trustee of Moore county to pay the jurors in preference to other claims; which was read the first time and passed.

The bill concerning the commissioners of public works, was read the second time and passed.

A message from the Senate, proposing that the report of the commis-



sioners appointed to represent the State in all general meetings of the stockholders of the several Banks of this State, be printed, one copy for each member of the General Assembly, and that it be referred to the joint select committee on so much of the Governor's message as relates to the Banks and circulating medium of the State. The message was concurred in, and the Senate informed thereof by message.

The engrossed bill to authorise Richard T. Brumley, of the county of Lincoln, to erect a gate on his land, was read the third time, passed, and ordered be enrolled.

The bill further to amend an act, passed in the year 1818, entitled an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties, to appoint special justices of the peace, and making compensation to such justices for certain purposes; also the bill to repeal an act, passed in 1818, appointing commissioners on the road from Watauga, in Ashe county, to the head of John's river, in Burke county, were read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. O'Brian, with leave, presented a bill to alter the times of holding elections in the sixth Congressional district. Mr. Smith, of Chatham, presented a bill to prevent the felling of timber in, or obstructing the run of Rocky river, in a portion of Chatham county; which were read the first time and passed.

The bill to attach captain Alexander's company, of the county of Iredell, to the first regiment of Iredell militia; also the bill to provide for the compensation of jurors of Hertford and Martin counties, in this State, were read the second time and passed.

The engrossed bill to authorise the County Court of Pleas and Quarter Sessions of the county of Franklin to appoint wardens of the poor, and to build a poor and work house, and for other purposes; also the engrossed bill to provide for the passage of fish in the county of Buncombe, up the Laurel creek, were read the second time and passed.

The engrossed bill concerning the Oxford Academy, was read the second and third times, passed, and ordered to be enrolled; and the bill to incorporate the Philodemic Association, in the county of Halifax, was read the second and third times, amended, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The engrossed bill to appoint a committee of Finance for the county of Richmond, was read the second time, amended, and passed.

On motion of Mr. Fisher,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law that the securities on bonds taken by sheriffs, for the appearance of defendants in civil cases, shall not be liable for a longer period than two years after the case has been brought to judgment.

On motion, ordered that the bill authorising Charles Lewis, of the county of Rutherford, to have the right of assessment, by jury, of such damages as he may have been subjected to, by opening the road called Hickory Nut Road, through his lands; also the bill directing the Governor to convey certain lands to the county of Macon, and to establish Washington Academy; and also the bill to regulate the sale of lands, and to protect from execution a certain portion of the freehold of the citizens of North Carolina, be laid on the table.

On motion, ordered that the bill vesting in the Superior and County



Courts jurisdiction of applications for the legitimation of bastard children, be the order of the day for to morrow; and that the bill to repeal an act, passed at the session of 1823, entitled an act to authorise the County Courts of Ashe and Wilkes, to keep in repair the road by Jefferson, by the imposition of tolls on said road, be the order of the day for Monday next.

Mr. Green, from the committee of Finance, to whom was referred a resolution, instructing them to inquire into the expediency of imposing a higher tax than is now authorised by law, on persons peddling within this State, reported that, in the opinion of the committee, it is inexpedient to increase the said tax. The question to concur with the report, was determined in the affirmative.

The bill to provide for obtaining information as to the produce exported from the State of North Carolina, was read the second time. Mr. Edmonston moved that the further consideration of said bill be postponed indefinitely, and called for the yeas and nays. The question thereon was determined in the affirmative—yeas 85, nays 33.

Those who voted in the affirmative, are Messrs Alexander, M. Baker, Banner, Barringer, Bateman, Bell, Bethell, Blair, Bogle, Branch, Brooks, Brown, Brower, Buie, Butner, Byrum, Carson, Chamblee, Cooper, Cox, Cunningham, Davenport, Dozier, Edmonston, Enloe, Farrier, Grandy, Hancock, Harper, W. S. Hill, Horton, Hough, Jarvis, Jordan, Keir, Kendall, King, Larkins, Lilly, Little, Loretz, Love, Melvin, Monk, Moore, Morris, Moye, Mullin, J. Murphey, M'Gehee, Neill, N. Nicholson, T. Nicholson, O'Brian, Orr, Pearson, Purcell, Rawls, Richardson, Russell, Sawyer, Simpson, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. Smith, Snyder, Speight, Stedman, Stockard, Taylor, Thompson, Watts, S. Whitaker, J. Whitaker, White, Wilder, Williams, J. Wilson, Wiseman, A. W. Wooten, C. Wooten, Wright, York—85 yeas.

Those who voted in the negative, are Messrs. Barnard, Bynum, Calloway, Campbell, Chesson, Eccles, Fisher, Gary, Gaston, Gauze, Graham, Houghton, Hayley, J. A. Hill, W. G. Jones, W. Jones, Long, Mebane, Mendenhall, Mhoon, P. Murphey, M'Lean, M'Millan, M'Neill, Nash, Patrick, Shipp, N. G. Smith, Stanly, Swain, Webb, Wheeler, Wyche—33 nays.

The bill to incorporate the Charitable Relief Society, for the benefit of superannuated ministers of the Gospel, and the widows and orphans of deceased ministers, was read the second time. Mr. Cunningham moved that the further consideration of said bill be postponed indefinitely, and called for the yeas and nays. The question thereon was determined in the affirmative—yeas 63, nays 45.

Those who voted in the affirmative, are Messrs. M. Baker, Z. Baker, Barnard, Bateman, Bethell, Blair, Branch, Brooks, Brower, Bynum, Byrum, Carson, Chesson, Cox, Cunningham, Davenport, Dozier, Edmonston, Enloe, Farrier, Gause, Grandy, Green, Hancock, Harper, Hayley, W. S. Hill, Horton, Jarvis, Jordan, Larkins, Little, Melvin, Moore, Morris, Moye, J. Murphey, N. Nicholson, T. Nicholson, O'Brian, Orr, Patrick, Purcell, Richardson, Sawyer, Simpson, L. R. Simmons, B. T. Simmons, Sloan, Speight, Stedman, Stockard, Thompson, Webb, Wilder, Williams, J. Wilson, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wright, York—63 yeas.

Those who voted in the negative, are Messrs. Barringer, Bogle, Borden, Buie, Butner, Calloway, Campbell, Cooper, Eccles, Gary, Gaston, Graham, Houghton, Hough, W. G. Jones, W. Jones, Kendall, Lilly, Long, Loretz, Love, Mhoon, Monk, P. Murphey, M'Gehee, M'Lean, M'Millan, Neill, Pearson, Polk, Rawls, Russell, Shipp, N. G. Smith, Snyder, Stanly, Stokes, Swain, Taylor, Watts, Wheeler, S. Whitaker, White, T. Wilson, Wyche—45 nays.

On motion, ordered that Mr. Murchison have leave of absence for one day.

The House then adjourned until to morrow morning, 10 o'clock.

—  
SATURDAY, DECEMBER 12, 1829.

On motion of Mr. Hatch,

Resolved, That the committee on Internal Improvement be instructed to inquire into



the expediency of making an appropriation for the improvement of the navigation of New and White Oak rivers, in the county of Onslow; and that they report by bill or otherwise.

Mr. Farrier, with leave, presented a bill to authorise the County Court of Duplin to purchase certain lands; Mr. Whitaker, of Macon a bill concerning the State road in the county of Macon; and Mr. Nash, a bill to elect a magistrate for the town of Hillsborough, and for other purposes. These bills were read the first time and passed.

On motion of Mr. Shipp,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of revising, amending and consolidating all the laws now in force respecting surveyors, entry takers, and the entry of vacant and unappropriated lands; and that they report by bill or otherwise.

On motion of Mr. Sloan,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law requiring plaintiffs in execution, in the first place to take out executions against the goods and chattels, lands and tenements; which executions must be returned "no property of the defendant to be found," before any case or execution against the body shall be taken out, except in cases where the defendant is about to remove out of the State; and report by bill or otherwise.

The bill authorising Charles Lewis, of the county of Rutherford, to have the right of assessment by jury of such damages as he may have been subjected to, by opening the road, called Hickory Nut Gap road, through his lands, was read the second time, and, on motion of Mr. Edmonston, postponed indefinitely.

On motion, ordered that Mr. Sasser have leave of absence for this day.

On motion of Mr. Nash,

*Resolved*, That the Judiciary committee be instructed to examine the laws requiring plaintiffs to give security for the prosecution of suits, and to ascertain whether any amendment in the same be necessary; and that they report by bill or otherwise.

On motion, ordered that the bill authorising the Court of Pleas and Quarter Sessions of New Hanover county to appoint a committee of Finance, be referred to the members representing the county of New Hanover and the town of Wilmington.

Mr. Mhoon, from the committee of Propositions and Grievances, to whom was referred the petition of William B. Murchie, of Lenoir county, reported that the committee had considered the said petition, and directed him to report a bill to carry into effect the prayer of the petition, entitled a bill to restore to credit William B. Murchie, of Lenoir county, and to recommend its passage. The said bill was read the first time and passed.

Mr. Haughton, from the select committee, to whom was referred the bill for the more perfect administration of justice in capital cases, reported that the committee, according to order, had considered the bill, and directed him to return it to the House with several amendments, and to recommend its passage. The amendments were read, concurred in, and the bill, as amended, read the first time and passed, and made the order of the day for Tuesday next.

On motion of Mr. Bynum,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law relative to the estate of deceased persons, where there is no administrator or executor; and that they report by bill or otherwise.

On motion of Mr. Shipp, ordered that the bill amendatory of the law now in force for the suppression of counterfeiting, be recommitted to the Judiciary committee, who reported the bill.



The engrossed bill concerning the County Courts of Martin county, was read the first time. Mr. Cooper moved to amend it by adding the following section: "Be it further enacted by the authority aforesaid, that it shall not be lawful for the Court of Pleas and Quarter Sessions of Martin county, from and after the passage of this act, to cause to be summoned any grand jury to attend at January and July terms of said courts; but that the grand jury shall be dispensed with at said courts." The question thereon was determined in the negative. The question shall the said bill pass its first reading? was determined in the affirmative.

Mr. Morris, with leave, presented a bill to vest in single justices of the peace jurisdiction of loaned property to the amount of twenty dollars; which was read the first time and passed.

Mr. Dozier presented the petition of Samuel Proctor and Willie M'Pherson, of Camden county, on the subject of a canal and road in said county. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The bill vesting in the Superior and County Courts jurisdiction of applications for the legitimation of bastard children, was read the second time and passed.

On motion, ordered that the bill concerning the places where company musters shall be held, be made the order of the day for Monday next.

The bill to incorporate the Lake Drummond and Orapeake Canal Company, was read the third time, amended, and passed. Ordered that said bill be engrossed and sent to the Senate for concurrence.

The bill to provide for the compensation of jurors of Hertford and Martin counties in this State, was read, and, on the motion of Mr. Stedman, postponed indefinitely.

On motion of Mr. Hill, of Wilmington,

*Resolved*, That a select committee be raised and instructed to examine the existing laws regulating the Treasury department, and report whether any, and, if any, what change or modification be necessary, and whether the present compensation allowed to the Public Treasurer and the provision for clerk hire be sufficient; and that they have leave to report by bill or otherwise.

*Resolved*, That Messrs. Hill of Wilmington, A. Wooton, Nash, Kendall and Campbell form this committee.

A message from the Senate, consenting that the report of the Adjutant General, of the state and condition of the militia of the State, be printed, one copy for each member of the Legislature.

A message from the Senate, proposing to ballot on Monday next for Councillors of State for the ensuing year. The message was concurred in, and the Senate informed thereof by message.

On motion of Mr. Neill,

*Resolved*, That a select committee be appointed, whose duty it shall be to inquire into the reports of the commissioners appointed by act of Assembly on the Hickory Nut Gap road, and whether all the money heretofore appropriated has been expended on said road, and in what way it has been applied; and that they report by bill or otherwise.

*Resolved*, That Messrs. Neil, Graham, Barringer, M'Lean and Alexander form this committee.

On motion, ordered that the bill to vest in single justices of the peace, jurisdiction of loaned property to the amount of twenty dollars, be made the order of the day for Monday next.

A message from the Senate, agreeing with the proposition of this House



to appoint a joint select committee, consisting of the members of Lincoln, Burke and Buncombe, whose duty it shall be to inquire into the expediency of turnpiking such parts of the road leading from Lincolnton to Asheville and Morganton, as cannot be kept up by the public; and that they report by bill or otherwise.

A message from the Senate, informing of the concurrence of that House with the proposition to set apart Tuesday evening next for the recommendation of field officers and justices of the peace, and proposing that the two Houses proceed to ballot on Tuesday next for a brigadier general of the 4th brigade of the militia; also at the same time for a brigadier general of the 12th brigade of the 6th division; and informing that Henry W. Ayer was nominated for the 4th brigade, and Nathan B. Whitfield for the 12th. The message was concurred in, and the Senate informed by message that the names of William Hancock and John Sellers are added to the nomination for the 4th, and that of Edmund Hatch to the 12th.

The resignation of Daniel Boon, brigadier general of the 12th brigade in the 6th division of militia, received from the Senate, was read and accepted. The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 14, 1829.

On motion, ordered that Mr. Speight have leave of absence for this day.

Mr. Wyche, from the committee of Finance, to whom was referred the resolution directing them to inquire into the expediency of directing the Public Treasurer of this State to issue Treasury notes, reported that the committee had considered the resolution, and directed him to report that it is inexpedient to make any such issues.

Mr. Polk, from the Military committee, to whom was referred the resolution directing them to inquire into the expediency of revising and distributing the militia laws among the several militia officers, reported that the committee had considered the resolution, and directed him to return it to the House, and to ask that the committee be discharged from the further consideration thereof.

Mr. Moon, from the committee of Propositions and Grievances, to whom was referred the petition of Leonard Wittington, of Wilkes county, reported that the committee, according to order, had considered the resolution, and directed him to return it to the House, and to recommend its rejection.

Mr. Shipp, from the committee on Public Lands, to whom was referred the petition of Joseph H. Bryan and William W. Jones, reported that the committee had considered the petition, and directed him to recommend that it be rejected.

These reports were severally read and concurred in.

On motion of Mr. Bateman, ordered that a message be sent to the Senate, proposing that a Public Printer be balloted for on Wednesday next, and informing that Lawrence & Lemay are in nomination for the appointment.

Mr. Hancock presented the petition of sundry inhabitants of Moore county in favor of John Curry, stating that, by the accidental falling of a tree while he was under arms at a general review, he was so injured as to be incapable of maintaining himself by labor, and praying relief. Ordered that the said petition be referred to the committee on Military Affairs.

On motion of Mr. Swain, who voted in the majority on the question of indefinite postponement of the bill to provide for the compensation of the ju-



rors of Hertford and Martin counties, the said vote was reconsidered, and the bill laid on the table.

The engrossed bill to provide for the passage of fish in Buncombe county up the Laurel creek; also the engrossed bill to authorise the County Courts of Pleas and Quarter Sessions of Franklin county to appoint wardens of the poor and to build a poor and work house, and for other purposes, were read the third time and passed, and ordered to be enrolled.

The bill to restore to credit William B. Murchie, of Lenoir county; and the bill concerning the State road in the county of Macon, were read the second and third times; and the bill to attach Captain Alexander's company, of Iredell, to the first regiment of Iredell militia, was read the third time.—The questions, shall these bills pass their several readings, be engrossed, and sent to the Senate for concurrence? were determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for Secretary of State, a Public Treasurer, and Comptroller of Public Accounts, and informing that William Hill, as Secretary of State, William Robards, as Public Treasurer, and James Grant, as Comptroller, are nominated for the several appointments.

Mr. Moore, with leave, presented a bill to extend the provisions of an act, passed A. D. 1826, entitled an act to appoint commissioners to build a new court house in the county of Surry, and for other purposes; which was read the first time and passed.

On motion of Mr. Newland,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of more effectually providing by law for the protection of the estates of orphans, where the County Court fails to take bonds of guardians by them appointed, and where the clerk fails to notify the court which made such appointment; and that they report by bill or otherwise.

The engrossed bill to amend the 10th section of an act, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, was read the third time and passed, and ordered to be enrolled.

The bill concerning the places where company musters shall be held, was read the second time and passed.

On motion, the bill to vest in single justices of the peace jurisdiction of loaned property to the amount of twenty dollars; and also the bill to elect a magistrate for the town of Hillsborough, and for other purposes, were ordered to be laid on the table.

A message from the Senate, agreeing to ballot immediately for Secretary of State, Public Treasurer and Comptroller for the ensuing year, and informing that Mr. Neill and Mr. Melchor form the committee on their part to conduct the balloting. On motion, ordered that the Senate be informed that Mr. Green and Mr. Webb attend the Senate as a committee on the part of this House to conduct the balloting.

On motion, ordered that the bill directing the Governor to convey certain lands to the county of Macon, and to establish Washington Academy, be referred to Messrs. Swain, Simpson and Whitaker of Macon; and, on motion, ordered that the bill concerning commissioners of public buildings, be referred to Messrs. Monk, Hill of Wilmington, C. Wooten and White.

On motion, ordered that the bill to erect out of a part of the counties of Buncombe and Burke a separate and distinct county, be the order of the day for to-morrow.

On motion, ordered that the resolution referring to the right of the State



to demand of the general government appropriations for internal improvements, be the order of the day for Wednesday next.

On motion of Mr. Whitaker, of Macon,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of establishing a Superior Court in the county of Macon, either by an alteration of the time of holding the Courts in the sixth judicial circuit, or the division of said circuit; and that they report by bill or otherwise.

A message from the Senate, informing that they had passed the engrossed resolution to allow credit to the Public Treasurer for the Treasury notes which have been burnt this session, and asking the concurrence of this House. The said resolution was read and concurred in. Ordered that the said resolution be enrolled.

The resolution in favor of the purchasers of Cherokee lands, was read the third time and amended. On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

The resignation of William Davidson, justice of the peace of the county of Mecklenburg, was presented, read and accepted.

Mr. Hill, of Wilmington, presented various documents, showing that in the course of the late war Jacob Hartman had expended considerable sums of money for the defence of the town of Wilmington, and praying for remuneration. On motion of Mr. Hill, ordered that the documents be referred to the committee of Claims.

The engrossed bill to appoint a committee of Finance in the county of Richmond, and prescribing the sum the clerk of the County Court and the sheriff shall receive for their extra services, was read the third time. Mr. Murphey moved to amend it by inserting an additional section, restricting the powers of the court in making the allowances to the sheriff, clerk and Solicitor for extra services, not exceeding fifty dollars to the sheriff, and forty dollars to the clerk and Solicitor, each. The question to concur with the amendment was determined in the negative. The bill then was put upon its passage, and the question, shall the said bill pass its third reading? was determined in the affirmative. Ordered that it be sent to the Senate, asking the concurrence of that House.

Mr. Webb, from the committee appointed to conduct the balloting for Secretary of State, Public Treasurer and Comptroller of public accounts, reported that the committee had performed that duty, and that it appeared on examining the ballots, William Hill, as Secretary, William Robards, as Public Treasurer, and James Grant, as Comptroller of public accounts, had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The House proceeded to consider for its second reading the resolution reported by the committee on Internal Improvement in the following words;

*Resolved*, That the Public Treasurer pay to the Treasurer of the Roanoke Navigation Company, or to any other person properly authorised by said company to receive the same, the sum of nine hundred and sixty nine dollars and sixty nine cents, it being the amount of interest due by the State on deferred payments of the subscription for two hundred and fifty shares of the capital stock of said company, made by the President and Directors of the Board of Internal Improvement, under an act passed in the year 1823.

*Resolved further*, That the Public Treasurer pay the instalment of five thousand dollars now due on said subscription when demanded, with interest on the same from the 1st day of November to the first day of December, 1829.

Mr. Gaston called for a division of the resolution, and the question,



shall the first resolution pass? was determined in the negative—yeas 24, nays 99. The yeas and nays called for by Mr. Blair.

Those who voted in the affirmative, are Messrs Arrington, Bethell, Branch, Brown, Bynum, Campbell, Dozier, Farrier, Gary, Gause, Hayley, J. A. Hill, W. S. Hill, W. G. Jones, Kerr, Kendall, Long, M'Gehee, T. Nicholson, Russell, B. T. Simmons, Watts, J. Wilson, Wyche—24 yeas.

Those who voted in the negative, are Messrs. Alexander, M. Baker, Z. Baker, Banner, Barnard, Barringer, Bateman, Bell, Blair, Bogle, Borden, Brooks, Brower, Buie, Butner, Byrum, Calloway, Carson, Chamblee, Chesson, Cooper, Cox, Cunningham, Davenport, Eccles, Edmonston, Enloe, Fisher, Gaston, Graham, Grandy, Green, Hancock, Harper, Haughton, Hellen, Hough, Jarvis, W. Jones, Jordan, King, Larkins, Lilly, Little, Lorez, Love, Melvin, Mendenhall, Monk, Moore, Morris, Moye, Mullin, P. Murphey, J. Murphey, M'Lean, M'Millan, M'Neil, Nash, Newland, Neill, N. Nicholson, Orr, Pearson, Polk, Purcell, Rawls, Rhodes, Richardson, Sasser, Sawyer, Shipp, Simpson, B. T. Simmons, L. R. Simmons, Sloan, Smallwood, N. Smith, N. G. Smith, Snyder, Stanly, Stedman, Stockard, Taylor, Thompson, Webb, Wheeler, S. Whitaker, J. Whitaker, White, Wilder, Wilson, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wright, York—99 nays.

Mr. Gason then moved to amend the second resolution by striking out all except the word "resolved," and inserting an amendment in the following words: "That the Public Treasurer pay to the Treasurer of the Roanoke Navigation Company, or to any person properly authorised by said company to receive the same, the sum of five thousand dollars, the last instalment upon the subscription made in act of 1823, whenever the same may be demanded." The question, shall the said resolution be so amended? was determined in the affirmative. Mr. Pearson moved that the said resolution, as amended, be postponed indefinitely. The question thereon was determined in the negative—yeas 43, nays 69. The yeas and nays called for by Mr. Bynum

Those who voted in the affirmative, are Messrs Z. Baker, Bateman, Blair, Brooks, Brown, Brower, Buie, Byrum, Carson, Cox, Eccles, Edmonston, Enloe, Graham, Grandy, Green, Hancock, Horton, Hough, Lorez, Moore, Morris, M'Neil, Neill, N. Nicholson, Orr, Pearson, Purcell, Rhodes, Richardson, Sasser, Shipp, L. R. Simmons, N. Smith, N. G. Smith, Snyder, Stanly, Stockard, Taylor, White, Wiseman, R. Wooten, A. Wooten—43 yeas.

Those who voted in the negative, are Messrs. M. Baker, Banner, Barnard, Barringer, Bell, Bethell, Bogle, Brauch, Buttner, Bynum, Calloway, Campbell, Chamblee, Chesson, Cooper, Cunningham, Davenport, Dozier, Farrier, Gary, Gause, Gaston, Harper, Haughton, Hayley, Hellen, W. G. Jones, W. Jones, Jordan, Kerr, Kendall, King, Larkins, Lilly, Little, Long, Love, Melvin, Mendenhall, Mhoon, Monk, Moye, Mullen, P. Murphey, J. Murphey, M'Gehee, M'Lean, M'Millan, Newland, T. Nicholson, Polk, Rawls, Russell, Simpson, B. T. Simmons, Sloan, Stedman, Thompson, Watts, Webb, Wheeler, S. Whitaker, J. Whitaker, Wilder, J. Wilson, T. Wilson, Wright, Wyche, York—69 nays.

The question then, shall the said resolution pass as amended? was determined in the affirmative. Ordered that the said resolution be engrossed, and sent to the Senate for concurrence.

The House then, on motion of Mr. Cooper, adjourned until to morrow morning 10 o'clock.

#### TUESDAY, DECEMBER 15, 1829.

Mr. Love, with leave, presented a bill appropriating four hundred dollars for the enlarging and improving of the public buildings in the county of Haywood. The said bill was read the first time and rejected.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill concerning the first regiment of militia



of Stokes county; a bill to repeal part of an act, passed at the last session, chapter 74, entitled an act to compel the clerks of the County and Superior Courts, and register of the county of Chatham, to keep their respective offices at Pittsborough, in said county, and for other purposes; a bill to amend the third section of an act, passed in the year 1810, relative to the passage of fish up the Pedee and Yadkin rivers; a bill for the relief of James D. Justice, of the county of Buncombe; in which they ask the concurrence of this House. The said bills were respectively read the first time and passed.

A message from the Senate, consenting to ballot on Wednesday next for Public Printer for the ensuing year.

A message from the Senate, proposing to ballot to morrow for brigadier general of the 15th brigade, 8th division, and informing that Richard H. Bonner is nominated for the appointment. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that Mr. Meares has been appointed on the committee of Enrollment, in place of Mr. Caldwell, appointed Speaker of the Senate.

Mr. Mendenhall, from the committee of Claims, to whom was referred the resolution in favor of John Lowrie, of Burke county, reported that the committee had considered the said resolution, and directed him to return it to the House with a recommendation that it be passed. The said resolution was read, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing that they consent to refer the petitions of sundry inhabitants of Bertie county, relative to the fisheries of Salmon's creek, to a select committee, and on their part to Messrs. Askew, Montgomery of Hertford, Williams of Martin, Dickinson and Walton.

Mr. Gaston, chairman of the committee, on so much of the Governor's message as relates to the Banks of this State, reported two bills on the subject, to wit: A bill giving time to the Banks of Cape Fear and Newbern to close their business, and to pay and collect their debts; and a bill giving time to the State Bank of North Carolina to close its business, and to pay and collect its debts, and recommended their passage. The said bills were read the first time and passed, ordered to be printed, one copy for each member of the Assembly, and made the order of the day, the former for Thursday, and the latter for Friday next.

Mr. Hill, with leave, presented a bill to repeal an act, passed in the year 1828, entitled an act concerning the appointment of coopers in the town of Wilmington, and for other purposes. Mr. White, a bill appointing commissioners to run and mark the dividing line between the counties of Anson and Mecklenburg. These bills were read the first time and passed.

On motion of Mr. Bynum,

*Resolved*, That the committee on the Library be instructed to inquire into the expediency of procuring for the State Library, a copy of the proceedings of each of the conventions held by the individual States, for the purpose of ratifying the Constitution of the United States.

*Resolved further*, That the committee be instructed to inquire into the expediency of directing the Librarian to procure and have printed, annually, a complete list or catalogue, alphabetically arranged, of the books of the Library.

*Resolved further*, That said committee inquire into the expediency of appropriating



a sum of money sufficient for the erection of book cases, presses, &c. for the accommodation of all the books in the Library; and that they report by bill or otherwise.

On motion, ordered that a message be sent to the Senate, informing that Messrs Cox and Moye attend the Senate as a committee to conduct the balloting for brigadier general of the 12th brigade, and that Nathan B. Whitfi Id, Edmund Hatch and Gabriel Sherard are in nomination for the appointment.

On motion of Mr Fisher,

*Resolved*, That the joint select committee on so much of the Governor's message as relates to the subject of a Penitentiary, be instructed to inquire into the expediency of appointing some intelligent person or persons to visit the Penitentiaries of other States, for the purpose of collecting facts and information concerning the system, particularly as to the best plans for the buildings, the arrangement of the cells, and construction of the work shops; as to the sums that may be necessary to complete an establishment suited to North Carolina; as to the discipline and management of the same; as to the species of manufactures best suited for the interior of a Penitentiary in this State; and generally all other information calculated to explain the operation and usefulness of the system in other States; all of which to be laid before the General Assembly at the beginning of the next session; and that they report by bill or otherwise.

A message from the Senate, informing that Messrs. Moye and Askew attend this House as a committee to conduct the balloting for brigadier general of the 12th brigade.

Mr Stedman, with leave, presented a bill to authorise V Sumner, late sheriff of Gates county, to collect the arrears of taxes due him in said county, for the year 1827. The said bill was read the first time and passed.

A message from the Senate, informing that Mr. M'Diarmid and Mr. Smith attend this House as a committee on their part to conduct the balloting for brigadier general of the 4th brigade. On motion, ordered that the Senate be informed by message that Mr. P. Murphey and Mr. Edmonston attend the Senate as a committee on the part of this House to conduct the balloting for brigadier general of the 4th brigade.

The bill to authorise the County Court of Duplin to purchase certain lands, was read the second time, amended and passed.

On motion of Mr T Wilson,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the existing law as to provide for the renting out of the lands of testators and intestates by the executors and administrators, or otherwise disposing of them as they may deem most expedient, during the period prescribed by law for the settlement of estates; and that such executors and administrators shall account and pay over to the heirs and devisees in like manner, as they are now obliged to account and pay over the personal estate to legatees and distributees, and also pay such taxes as may accrue on said lands during the term above mentioned; and that they report by bill or otherwise.

Mr. Cox, from the committee appointed to conduct the balloting for brigadier general of the 12th brigade, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

Received from the Senate a certificate in favor of Jesse Hulseby, a pensioner of the State, who has removed to Georgia, allowing him a pension of fifty dollars, countersigned by the Speaker of that House. The certificate was read and ordered to be laid on the table.

Mr. Nash, from the Judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of restraining the



practice of medicine in this State by incompetent persons, reported that the committee had considered the resolution, and directed him to return it, and to report that it is not necessary to legislate on the subject, and to pray to be discharged from the further consideration of the subject. The question to concur with the report was determined in the affirmative.

On motion of Mr. Smith, of Chatham, ordered that a message be sent to the Senate, proposing that a balloting take place immediately for brigadier general of the 6th brigade and 3d division, and informing that George Hoover, of Randolph county, is in nomination for the appointment.

Mr. Nash, from the committee on the Judiciary, to whom was referred the bill for the purpose of preventing a nuisance in the town of Tarborough, reported that the committee had considered the said bill and directed him to return it to the House without amendment, and to ask to be discharged from the further consideration of the subject. The bill was thereupon read the second time and passed.

Mr. Edmonston, from the committee appointed to conduct the balloting for brigadier general for the 4th brigade, reported that the committee had performed that duty, and that on examining the ballots, it appeared Henry W. Ayer had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

On motion of Mr. Swain, the House adjourned until 3 o'clock, P. M.

Mr. Fisher presented a bill to change the mode of instituting suits of ejectment; which was read the first time, passed, and referred to the Judiciary committee.

The resignation of Wyatt Moye, lieutenant colonel of the 27th regiment of North Carolina militia of Greene county, was read and accepted.

Mr. Nash, from the committee on the Judiciary, to whom was referred a resolution directing them to inquire into the expediency of amending the laws relating to sheriffs, reported that the committee, according to order, had the said resolution under consideration, and directed him to report a bill on the subject, entitled a bill to compel the due execution of process, and to recommend its passage. The said bill was read the first time and passed.

Mr. Nash, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of defining expressly the several liabilities of guardian bonds, reported that the committee had, according to order, the said resolution under consideration, and directed him to report a bill on the subject, entitled a bill to ascertain and define the liability of sureties on successive guardian bonds, and to recommend its passage. The said bill was read the first time and passed.

The resignations of Thomas M. Sharpe, major in the 2d regiment of the Iredell county militia; Reading Anderson, colonel commandant of the first Anson county regiment; Thomas B. Love, lieutenant colonel of the Macon county militia; Benjamin H. Bradley, colonel of the 78th regiment of North Carolina militia; William M. Gold and Lemuel Moore, justices of the peace for Rutherford county, were read and accepted.

The bill to alter the times of holding the Superior Courts of Law and Equity in the third judicial circuit, was read the second time. Mr. Moye presented a counter report of the minority of the committee who reported the bill. On motion of Mr. Gaston, the bill was amended, and the question,



shall the said bill pass its second reading? was determined in the affirmative.

The House then, on motion of Mr. Cooper, adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 16, 1829.

On motion of Mr. Williams, ordered that a message be sent to the Senate, proposing to ballot immediately for brigadier general of the 13th brigade.

Mr. Polk, with leave, presented a bill to authorise Thomas L. Cowan, of the county of Rowan, to erect certain gates therein mentioned; which was read the first time and passed.

Mr. Murchison presented the petition of W. Barrett, of Moore county, on the subject of a gold mine on his land. Ordered that the said petition be referred to Messrs. Murchison, Hancock, Moore, Buie and Smallwood.

On motion of Mr. Hatch, ordered that the committee of Claims be instructed to inquire into the expediency of authorising the Secretary of State to issue grants to Edward Ward, of Onslow county, for two pieces of land in said county, which were duly entered in the entry taker's office of said county, as appears by the accompanying certificates, No. 49 and No. 105, and paid for, as appears by the receipts of the Comptroller, herewith forwarded; and that they report by bill or otherwise.

Received from his Excellency the Governor the following communication by his Private Secretary, Mr. Muse:

*To the Honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—I have the honor to transmit you the report of Mr. James Mebane, superintendent of the public works on the Cape Fear river, for the present year, and a condensed statement of his account with the Board of Internal Improvements, received since the report of the Board was made.

The file marked A, contains the resignations of such justices of the peace and militia officers as have been received since the meeting of the General Assembly.

I have the honor to be, most respectfully, your obedient servant.

JNO. OWEN.

*Executive Department, Dec. 15, 1829.*

On motion, ordered that the message be sent to the Senate, with a proposition that the report of the superintendent of the works on the Cape Fear river be printed, one copy for each member of the Assembly.

Mr. Hill, of Wilmington, from the select committee to whom was referred the bill concerning the commissioners, &c. of public works, reported that the committee had considered the said bill, and directed him to return it to the House with an amendment, and to recommend its passage. The amendment was read and concurred in, and the bill, as amended, read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to authorise the forming a fire engine company in the town of Elizabeth City; a bill directing the removal of certain papers from the office of the Treasurer to that of the Secretary of State; a bill to authorise the setting of guns in the night time in the desert in the counties of Pasquotank and Perquimons; a bill concerning the fees of the standard keeper in the county of Rutherford; a bill to vest the right of electing sheriffs in the several counties within this State in the free white men thereof; in which they ask the concurrence of this House. The said bills were respectively read the first time and passed, and the latter ordered to be printed and made the order of the day for Saturday next.



A message from the Senate, consenting to ballot for brigadier general for the 6th brigade, and informing that Messrs. Harris and Burgin attend this House as a committee to conduct the balloting on their part. On motion, ordered that the Senate be informed by message that Messrs. Smith of Chatham and Wiseman attend the Senate as a committee on the part of this House to conduct the balloting.

A message from the Senate, proposing to ballot to day for colonel, lieutenant colonel and major of cavalry attached to the 16th brigade and 3d division of the militia, and informing that Samuel Mitchell, as colonel, James W. Jones, as lieutenant colonel, and William Malone, as major, are in nomination for the appointments. The message was concurred in, and the Senate informed thereof by message.

Mr. Nash from the committee on the Judiciary, to whom was referred the resolution requiring them to inquire into the expediency of amending the laws relative to sheriffs, reported that the committee, according to order, had considered the said resolution, and directed him to report a bill on the subject, entitled a bill to prescribe the manner in which sheriffs shall give bond. The said bill was read the first time and passed.

Mr. Swain, from the select committee to whom was referred the bill directing the Governor to convey certain lands to the county of Macon, and to establish Washington Academy, reported that the committee had considered the said bill, and directed him to return it to the House with a recommendation that it be passed into a law. The said bill was read the second time, amended and passed.

Mr. Nash, from the committee on the University, to whom was referred the bill concerning the University of North Carolina, reported that the committee had the said bill under consideration, and directed him to return it to the House with an amendment, and to recommend its passage. The amendment was read, concurred in, and the bill, as amended, was read the second time and passed.

The certificate of the clerk of the County Court of Cumberland county in favor of Isabella Campbell, allowing her a pension of forty dollars for the present year, was returned from the Senate countersigned by the Speaker thereof.

The resignation of Lussford R. Cherry, major of the second regiment of the Edgecomb county militia, was presented, read and accepted.

Received from the Senate the certificate of the clerk of the County Court of Mecklenburg county, allowing Martha Thompson, the widow of John Thompson, a pensioner of the State, a pension of forty dollars for the year 1827, and the like sum for the year 1828, countersigned by the Speaker.— On motion, ordered that the said certificate be countersigned by the Speaker of this House and returned to the Senate.

The bill to repeal an act, passed at the session of 1828, entitled an act to authorise the County Courts of the counties of Ashe and Wilkes to keep in repair the road by Jefferson, by the imposition of tolls on said road; and the bill concerning the places where company musters shall be held, were read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion, ordered that the bill to repeal an act, passed in the year 1828, entitled an act concerning the appointment of coopers in the town of Wilmington, be laid on the table.



On motion, ordered that the Senate be informed by message that Messrs. Williams and Little attend that House as a committee to conduct the balloting for brigadier general for the 13th brigade on the part of this House.

Mr. Smith, of Chatham, from the committee appointed to conduct the balloting for brigadier General for the 6th brigade, reported that the committee had performed that duty, and that it appeared on examining the ballots, George Hoover had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that Messrs. Moore and Marshall form the committee on their part to conduct the balloting for brigadier general for the 13th brigade.

On motion ordered that the bill for the relief of James D. Justice, of the county of Buncombe, be laid on the table.

The following engrossed bills were read the second and third times and passed, to wit: a bill to amend the third section of an act, passed in the year 1810, relative to the passage of fish up the Pedee and Yadkin rivers; also a bill concerning the first regiment of militia of Stokes county. On motion, ordered that the said bills be enrolled.

The bill to extend the provisions of an act, passed 1826, entitled an act to appoint commissioners to build a new court house in the county of Surry, and for other purposes; also the bill appointing commissioners to run and mark the dividing line between the counties of Anson and Mecklenburg; also the bill to alter the time of holding elections in the sixth Congressional district; and also the bill to authorise John V. Sumner, late sheriff of Gates county, to collect the arrears of taxes due him in said county for the year 1827 were respectively read the second and third times, passed and ordered to be engrossed, and sent to the Senate for concurrence.

The engrossed bill to repeal a part of an act, passed at the last session, chapter 74, entitled an act to compel the clerks of the County and Superior Courts and register of the county of Chatham to keep their respective offices at Pittsborough, in said county, and for other purposes, was read the second time and passed.

On motion of Mr Swain, the House resolved itself into a committee of the whole, on the bill to erect out of a part of the counties of Buncombe and Burke a separate and distinct county, Mr. Mendenhall in the chair; and, after some time spent therein, the Speaker resumed the chair, and the Chairman, Mr. Mendenhall, reported that the committee of the whole, according to order, had the said bill under consideration, and made progress, and asked leave to sit again on said bill. The question to concur with the report was determined in the affirmative.

On motion, the House then adjourned until to-morrow morning, 10 o'clock.

---

THURSDAY, DECEMBER 17, 1829.

Mr. J. Murphey, with leave, presented a bill prescribing the sum hereafter to be paid for licenss to retail spiritous liquors; and Mr. Bethell a bill to disqualify persons holding a seat in the General Assembly from the enjoyment of any lucrative office. These bills were read the first time and passed, and, on motion, referred to the committee on the Judiciary.

Mr. Cox, from the committee appointed to conduct the balloting for briga-



dier general of the 12th brigade, reported that the committee had performed that duty, and that it appeared, on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot this morning for brigadier general of the 12th brigade. The message was concurred in and the Senate informed by message that Messrs. Cox and Rhodes attend that House as a committee to conduct the balloting on the part of this House.

A message from the Senate, proposing to ballot immediately for major of cavalry in the 10th brigade, and informing that Thomas Dewes is in nomination for the appointment. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that Messrs. Crump and Bell attend this House as a committee on their part to conduct the balloting for brigadier general of the 12th brigade.

Mr. Wiseman, with leave, presented a bill to amend the act, passed 1827, providing for the incorporation of the town of Lexington, in the county of Davidson; which was read the first time and passed.

On motion, ordered that the Senate be informed by message that Messrs. Barringer and Sasser form the committee on the part of this House to conduct the balloting for major of cavalry attached to the 10th brigade.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to secure to Martha P. Patrick such property as she may hereafter acquire; and a bill to provide for the permanent establishment of a public road from Lincolnton to Rutherfordton; in which they ask the concurrence of this House.

A message from the Senate, informing that Messrs. M'Entire and Williams, of Franklin, attend this House as a committee on their part to conduct the balloting for major of cavalry attached to the 10th brigade.

Mr. Neal, from the select committee to whom was referred the resolution directing them to inquire into the reports of the commissioners on the Hickory Nut Gap road, and whether the money heretofore appropriated for that purpose hath been fully expended thereon, reported that the committee, according to order, had the resolution under consideration, and directed him to report that, from the reports of the commissioners, it appears all the appropriation had been, under their direction, faithfully applied on the improvement of said road, except the sum of seventy-nine dollars, which the committee believe is not an adequate satisfaction for their attention. The report was read and concurred in.

The engrossed bill for the relief James D. Justice, of the county of Buncombe, was read the second time, amended and passed.

Mr. Wyche, from the committee of Finance, to whom was referred the resolution directing them to inquire into the expediency of so amending the revenue law, as to provide for the collection of a tax on income derived from stocks held by citizens of this State, in incorporated companies not chartered by the State, reported that the committee had, according to order, considered the said resolution and directed him to report that it is not expedient to legislate on the subject, and to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that they had rejected the engrossed resolution for the purchase of Cherokee lands.



The engrossed bill to secure to Martha W. Patrick such property as she may hereafter acquire, was read the first time. Mr. Mendenhall moved that it be laid on the table. The question thereon was determined in the negative. The bill was then put on its passage, and the question, shall the said bill pass its first reading? was determined in the negative.

The engrossed bill to provide for the permanent establishment of a public road from Lincolnton to Rutherfordton, was read the first time and passed.

A message from the Senate, consenting to the proposition of this House to appoint a select joint committee to examine the existing laws regulating the Treasury department, and to report any, and if any, what change or modification be necessary; and whether the compensation allowed to the Public Treasurer, and the provision of clerk hire be sufficient; and that they report by bill or otherwise; and informing that Messrs. Sneed, Brower, Dick, Melchor and Spaight form the committee on their part.

The House, agreeably to the order of the day, again resolved itself into a committee of the whole, on the bill to erect out of a part of the counties of Buncombe and Burke a separate and distinct county. Mr. Mendenhall in the chair; and, after some time spent therein, on motion of Mr. O'Brian, the committee rose, and the chairman reported that the committee, according to order, had the said bill under consideration, had made progress, and asked leave to sit again on said bill. The question thereon was determined in the affirmative.

Mr. Swain presented an abstract made by the Comptroller in obedience to a resolution of the House, exhibiting the amount paid on each permanent species of taxation by the several counties in the State, from the year 1792 to 1828 inclusive. On motion, ordered that the said abstract be laid on the table.

On motion, the House then adjourned until to morrow morning, 10 o'clock.

#### FRIDAY, DECEMBER 18 1829.

Mr. Wyche, from the committee of Finance, to whom was referred a bill to amend part of the 4th section of an act, passed in the year 1822, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government, reported that the committee had, according to order, considered the said bill, and directed him to return it to the House without amendment, and to recommend that it be rejected. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing that the two Houses ballot again for brigadier general for the 13th brigade. The message was concurred in, and the Senate informed by message that Messrs. Chesson and Smallwood attend the Senate as a committee to conduct the balloting on the part of this House.

Mr. Barringer, from the committee appointed to conduct the balloting for major of cavalry attached to the 10th brigade, reported that the committee had performed that duty, and that it appeared on examining the ballots, Thomas Dewes had a majority of the whole number, and was duly elected; and Mr. Cox, from the committee appointed to conduct the balloting for brigadier general of the 12th brigade, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The questions to concur with the reports were determined in the affirmative.



A message from the Senate, informing that *Messrs.* Underwood and Welch attend this House as a committee on their part to conduct the balloting for brigadier general of the 13th brigade

On motion of Mr. Cox, ordered that a message be sent to the Senate, proposing to ballot again immediately for brigadier general for the 12th brigade.

And, on motion of Mr. Stedman, ordered that a message be sent to the Senate, proposing to ballot immediately for Public Printer for the ensuing year, and informing that *Messrs.* Stedman and Whitaker of Wake attend the Senate as a committee to conduct the balloting on the part of this House.

A message from the Senate, consenting to ballot for brigadier general for the 12th brigade, and informing that *Messrs.* Montgomery of Hertford and Ramsey attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that *Messrs.* Moya and Chamblee form the committee on the part of this House to conduct the balloting

The following bills with leave, were presented, to wit: A bill by Mr. Jordan to authorise the securities of William Gregory, late sheriff of Pasquotank county, to collect the arrears of taxes due for the year therein mentioned; by Mr. Barnard a bill to authorise the Court of Pleas and Quarter Sessions of the county of Currituck to provide for the erection of public buildings, and for other purposes; by Mr. Arrington, a bill to establish a poor house in Nash county, and for other purposes; by Mr. Campbell, a bill to alter the time of making the returns of tax lists in the county of Brunswick; which were severally read the first time and passed.

Mr. Polk, from the Military committee, to whom was referred the bill to exempt the members of the several fire companies in this State from the performance of militia duty in time of peace, reported that the committee had considered the said bill, and directed him to return it to the House without amendment, and to recommend its passage. The said bill was read the second time and passed.

Received from the Senate a resolution, relative to amending the revenue laws in relation to certain large entries of lands on which grants have issued to citizens of other States, referred to a select joint committee, and on their part to *Messrs.* Wellborn, Love, Welch, M'Entire and Meares; which was read concurred in, and referred to *Messrs.* Nash, Fisher, Whitaker of Macon, Blair and Haughton, and returned to the Senate.

The resignation of Harbert H. Harris, justice of the peace for Franklin county was presented, read and accepted.

The bill amendatory of the laws relative to the pilotage at Occacock inlet, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The House, according to order, resolved itself into a committee of the whole on the bill to erect out of a part of the counties of Buncombe and Burke a separate and distinct county, Mr. Mendenhall in the chair; and, after some time spent therein, on motion of Mr. Bynum, the committee rose, and the chairman reported that the committee of the whole had the said bill under consideration, and made progress, and directed him to ask leave to sit again on said bill. The question to concur with the report was determined in the affirmative.



The House then, on the motion of Mr. Morris, adjourned until to morrow morning, 10 o'clock.

SATURDAY, DECEMBER 19, 1829.

On motion, ordered that a message be sent to the Senate, informing that Messrs. Stedman and Hough attend the Senate as superintendents of the balloting for Public Printer for the ensuing year; and that Messrs. Gary and Smith of Chatham, as superintendents of the balloting for Counsellors of State for the ensuing year, and informing that James Rainey, Daniel M. Forney, John M'Alister, Gideon Alston, Nathan B. Whitfield, George W. Jeffreys, Alexander Gray, Thomas Kenan, Archibald M'Bryde and Alfred Jones are in nomination.

Mr. Chesson, from the committee appointed to conduct the balloting for brigadier general of the 13th brigade, reported that the committee had performed that duty, and that it appeared on examining the ballots, Peter Picot had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Moye, from the committee appointed to conduct the balloting for brigadier general of the 12th brigade, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing that another balloting for brigadier general for the 12th brigade take place immediately, and informing that Messrs. Etheridge and Hoke attend this House as a committee on their part to conduct the balloting. The message was concurred in and the Senate informed by message that Messrs. Cox and Hayley attend the Senate as a committee to conduct the balloting on the part of this House; and informing further, that the name of E. Hatch is withdrawn from the nomination.

A message from the Senate, informing that Messrs. Burney and Leonard attend this House as a committee to conduct the balloting for Public Printer for the ensuing year, on their part; and that Messrs. Beasley and Matthews form the committee on their part to conduct the balloting for Counsellors of State for the ensuing year, and that the name of Joseph B. Outlaw is added to the nomination.

Mr. Nash from the Judiciary committee, to whom was recommitted the bill amendatory of the laws now in force for the suppression of counterfeiting, reported that the committee, according to order, had considered the said bill, and directed him to return it to the House with an amendment, and to recommend its passage. The report was concurred in, and the bill, as amended, read the second time and passed.

Mr. Cox, from the committee appointed to conduct the balloting for brigadier general for the 12th brigade, reported that the committee had performed that duty, and that on examining the ballots, it appeared Nathan B. Whitfield had a majority of the whole number, and was duly elected.

And Mr. Stedman from the committee appointed to conduct the balloting for Public Printer for the ensuing year, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Lawrence & Lemay had a majority of the whole number, and were duly elected.

The questions to concur with the reports were determined in the affirmative.



Mr. Melvin, with leave, presented a bill supplementary to the bill for improving the navigation of Black and South river, so far as it is the dividing line between the counties of Sampson and Cumberland; which was read the first time and passed.

On motion of Mr. Bynum,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee to inquire into the responsibility of the several securities to the bonds given by the late John Haywood, former Treasurer of this State, who they are, and how far they are liable for the defalcations of the aforesaid John Haywood; and report by bill or otherwise.

*Resolved*, That Messrs. Bynum, Swain, Houghton, Carson and Nash form this committee on the part of this House.

A message from the Senate, informing that Messrs. Sherard and Smith attend this House as a committee on their part to conduct the balloting for cavalry officers attached to the 16th brigade. Ordered that the Senate be informed by message that Messrs. Webb and Taylor attend the Senate as a committee to conduct the balloting for cavalry officers attached to the 16th brigade, on the part of this House.

On motion of Mr. Smith, of Chatham,

*Resolved*, That the Governor of this State be, and he is hereby directed to loan to some responsible applicant of the New Hope Navigation Company, in the county of Chatham, such instruments belonging to the State as may be necessary to survey and level New Hope creek.

On motion, ordered that the resolution be laid on the table.

The bill empowering the County Court of Onslow to authorise Solomon E. Grant to erect a gate across the main road at Onslow Court House, was read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. White, with leave, presented a bill to authorise the payment of purchase money on entries of lands made in the year 1827; which was read the first time and passed.

On motion of Mr. Carson,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee, consisting of three members on the part of this House, and two on the part of the Senate, whose duty it shall be to inquire into the progress of business before the two Houses, and ascertain how far it may be practicable to close the session within the present month; and report accordingly.

The Speaker laid before the House the following communication from the Public Treasurer:

SIR.—In pursuance to the resolution of the General Assembly of the 12th instant, the cashiers of the banks, their branches and agencies of this State have been called on for the statements as therein directed to be obtained.

The State Bank of North Carolina at Raleigh, and the Agency of the Bank of Newbern at Raleigh, have, through their cashier and agent, furnished me with the enclosed statements, which I have the honor to transmit.

I have the honor to be, very respectfully, your ob't serv't,

WM. ROBARDS, Pub. Treas'r.

*The Honorable the Speaker of the House of Commons*

On motion, ordered that the said communication be sent to the Senate, proposing that the statements or exhibits therein adverted to, and herewith sent, be printed, one copy for each member of the Assembly, and that the report and exhibits be referred to the joint committee on the Banks.

Mr. Wyche, from the committee of Finance, to whom was referred the resolution directing them to inquire into the expediency of so amending the law relative to the mode of taking in taxable property and affixing the value



thereof, so as to provide for cases where there is no assessment by the board of assessors under the act of Congress, or where such assessment is greater than the present value, and a bill to insure the fair valuation of lands in this State when the same shall be given in for taxation, reported that the committee had duly considered the objects referred to them, and directed him to report that any partial alteration of the law would tend rather to increase than diminish existing inequalities, and to return the bill to the House with a recommendation that it be rejected. The report was read, and, on the motion of Mr. Swain, laid on the table.

Mr. Hill, of Wilmington, from the committee on Internal Improvement, to whom was referred the petition of sundry citizens of the county of Haywood, reported that the committee had considered the said petition, and directed him to recommend that it be rejected.

Mr. Hill, from the same committee, to whom was referred the bill concerning the improvement of creeks and rivers in the county of Onslow, and the resolution concerning a railroad from Fayetteville to Campbellton, reported that in the opinion of the committee, the present condition of the fund for internal improvement forbids the appropriation of the sums of money necessary to effect the said works.

And Mr. Hill, from the same committee, to whom was referred the petition of sundry citizens of the county of Buncombe, praying for an appropriation for the purpose of opening and improving a road in said county, reported that the committee had considered the said petition, and directed him to report that the committee, from any data presented for their consideration, cannot perceive the propriety of making the appropriation prayed for, and to ask that the committee be discharged from the further consideration of the subject.

The questions to concur with the several reports were determined in the affirmative.

Mr. Hill, of Wilmington, from the select joint committee to whom was referred the resolution instructing them to examine the laws regulating the Treasury Department of the government, and directing them to report whether any modification of the same be necessary, and whether it be expedient to increase the compensation now by law allowed the Public Treasurer, reported that the committee, according to order, had considered the said resolution, and directed him to report that by the existing mode of keeping the books of the Treasury Department and the increased duties imposed on it, it is reasonable and necessary to increase the salary of the Public Treasurer, and therefore to report a bill to increase the salary of the Public Treasurer, and to recommend its passage. The said bill was read the first time and rejected.

Mr. Moon, from the committee of Propositions and Grievances, to whom was referred the petition of Samuel Proctor and Willis M'Pherson, reported that the committee had considered the petition, and directed him to report a bill to carry into effect the prayer of the petition, entitled a bill concerning the Cross Canal leading from the great Dismal Swamp Canal, near the head of the woods in Camden county, to the White Oak Spring Marsh, in Gates county, and to recommend its passage. The said bill was read the first time and passed.

The resignations of Julian Picott, of Washington county, and Peyton High, of Wake county, justices of the peace, were presented, read and accepted.



The House again resolved itself into a committee of the Whole, Mr. Mendenhall in the chair, on the bill to erect out of a part of the counties of Buncombe and Burke a separate and distinct county; and after some time spent thereon, Mr. Stokes moved that the committee rise and report the bill with an amendment to the House. Mr. Speaker thereupon resumed the chair, and Mr. Mendenhall reported that the committee of the Whole, according to order, had the said bill under consideration, and directed him to report it to the House with an amendment, to wit: strike out the last section, in the following words: "be it enacted that the members who may hereafter represent said county in the Legislature shall receive their per diem compensation from the county Treasurer." The question thereon was determined in the affirmative. The bill was then put on its passage, and the question shall the said bill pass its second reading? was determined in the negative—yeas 58, nays 73. The yeas and nays called for by Mr. Cox.

Those who voted in the affirmative, are Messrs. Alexander, Z. Baker, Banner, Barringer, Bethell, Bogle, Brooks, Brower, Buie, Butner, Calloway, Campbell, Carson, Cunningham, Eccles, Edmonston, Enloe, Fisher, Gaston, Graham, Hancock, J. A. Hill, W. S. Hill, Horton, Hough, Kerr, Kendall, King, Lilly, Loretz, Love, Mendenhall, Moore, Morris, Murchison, M'Gehee, M'Lean, M'Millan, M'Neil, Nash, Newland, Neill, Nicholson, Orr, Pearson, Polk, Shipp, Simpson, N. G. Smith, Snyder, Stockard, Stokes, Swain, Taylor, J. Whitaker, White, J. Wilson, Wiseman—58 yeas.

Those who voted in the negative, are Messrs. Arrington, M. Baker, Barnard, Bateman, Bell, Blair, Borden, Branch, Brown, Bynum, Byrum, Chamblee, Chesson, Clark, Cooper, Cox, Davenport, Dozier, Farrier, Gary, Gause, Grandy, Green, Harper, Hatch, Haughton, Hayley, Jarvis, W. Jones, Jordan, Larkins, Little, Long, Mebane, Melvin, Moon, Monk, Moye, Mullin, P. Murphey, J. Murphey, T. Nicholson, O'Brian Patrick, Purcell, Rawls, Rhodes, Richardson, Russell, Sasser, Sawyer, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. Smith Speight, Stanly, Stedman, Thompson, Watts, Webb, Wheeler, S. Whitaker, Wilder, Williams, T. Wilson, R. Wooten, A. W. Wooten, C. Wooten, Wright, Wyche, York—73 nays.

The House then adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 21, 1829.

Mr. Webb, from the committee appointed to conduct the balloting for cavalry officers attached to the 16th brigade, reported that the committee had performed that duty, and that, on examining the ballots, it appeared Samuel Mitchell, as colonel, James W. Jones, as lieutenant colonel, and William Malone, as major, had each a majority of the whole number, and were duly elected. The report was concurred in.

Mr. Moore, from the select committee to whom was referred the petition of W. Barrett, praying a loan of money to enable him to carry on a gold mine which he had discovered on his own land, reported that the committee had performed the duty assigned to them, and directed him to recommend to the House the rejection of the petition. The report was read and concurred in.

The following bills, with leave, were presented, to wit: By Mr. Smallwood, a bill to exempt certain persons in the county of Hyde from serving as jurors of the original pannel; and by Mr. Loretz, a bill concerning the working of roads in the county of Lincoln. These bills were read the first time and passed.

Mr. Gary, from the committee appointed to conduct the balloting for Counsellors of State for the ensuing year, reported that the committee had performed that duty, and that, on examining the ballots, it appeared Alexan-



der Gray, George W. Jeffreys, Daniel Forney, Gideon Alston, Archibald M'Bryde and Thomas Kenan had each a majority of the whole number, and were duly elected. The report was concurred in.

A message from the Senate, proposing to ballot immediately for brigadier general of the second brigade, and informing that John J. Pasteur is nominated for the appointment. The message was concurred in, and the Senate informed by message that Messrs. Hellen and Patrick attend the Senate as a committee to conduct the balloting on the part of this House; and that the name of Nathan Fuller is added to the nomination.

Received from the Senate, countersigned by the Speaker, a certificate of the clerk of the County Court of Warren county in favor of Elizabeth Harris, allowing her usual pension of ninety dollars; which was read, countersigned by the Speaker, and returned to the Senate.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill granting jurisdiction to the respective County Courts within this State to alter the names of individuals on application; a bill concerning the summoning of jurors; a bill making void certain conveyances therein mentioned; a bill to prevent the falling of timber in, or obstructing the runs of Big and Little Polecat creeks, in the county of Randolph; and a bill to compensate the board of wardens of the county of Hyde for their services in the management of the poor in said county; in which they ask the concurrence of this House.

Mr. Hill, of Wilmington, from the committee to whom was referred the resolution instructing them to inquire into the expediency of repealing or amending the law prohibiting the entry of swamp lands, and giving them leave to report by bill or otherwise, reported that the committee had considered the said resolution, and directed him to report a bill on the subject, entitled a bill to amend an act, passed in the year 1826, concerning the entry of land in this State, and to recommend its passage. The said bill was read the first time and passed, and, on motion, made the order of the day for to-morrow.

A message from the Senate, informing that Messrs. Johnson and Walton attend this House as superintendents of the balloting for brigadier general of the 2d brigade, on their part.

On motion of Mr. Wilson, of Caswell, the House reconsidered the vote of rejection of the bill to increase the salary of the Public Treasurer on Saturday last. The bill thereupon was read the first time and passed.

Mr. Wheeler, with leave, presented a bill establishing a medical board in this State; and Mr. Swain a bill concerning the Buncombe Turnpike road. These bills were read the first time and passed.

The engrossed bill concerning the summoning of jurors; also the bill to compensate the board of wardens for the county of Hyde for their services in the management of the poor in said county; also the bill to prevent the falling of timber in, or obstructing the runs of Big and Little Polecat creeks, in the county of Randolph; and also the bill making void certain conveyances therein mentioned, were severally read the first time and passed, and the latter, on motion, ordered to be laid on the table.

Mr. Hellen, from the committee appointed to superintend the balloting for brigadier general for the 2d brigade, reported that the committee had performed that duty, and that it appeared, on examining the ballots, John J. Pasteur had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.



Mr. Stokes, with leave, presented a bill to alter the mode of appointing certain general and field officers of the militia of the State of North Carolina; which was read the first time and passed.

On motion, ordered that the engrossed bill granting jurisdiction to the respective County Courts within this State to alter the names of individuals on application, be laid on the table.

A message from the Senate, informing that Messrs. Williams of Martin, Matthews and Mitchell compose the select joint committee on their part on Public Buildings.

On motion of Mr. O'Brien,

*Resolved*, That the Governor of this State be, and he is hereby authorised to request the War Department of the General Government to furnish this State, as a part of its quota of the public arms, one hundred stand of muskets of the description used by the non-commissioned officers of the army of the United States; said arms to be made after the model to be furnished by Captain Aiden Patridge; and that the same be, and hereby are appropriated to the use of the military institution at Oxford, upon bond, with sufficient security for the safe keeping and return of said arms.

*Resolved further*, That the Governor aforesaid be instructed to loan the said military institution, upon the conditions aforesaid, two brass pieces of artillery now at Fort Johnston, in this State, if the same shall not be claimed by the General Government of the United States; and that he be requested to make the inquiry, and procure the same for the purposes aforesaid.

On motion, ordered that the said resolution be referred to Messrs. O'Brien, Guize and Clark.

Mr. P. Murphey, from the committee to whom was referred the bill to authorise the Court of Pleas and Quarter Sessions of New Hanover county to appoint a committee of Finance, reported that they had considered said bill, and directed him to return it to the House with an amendment, and to recommend its passage. The report was concurred in, and the bill, as amended, read the first time and passed.

On motion of Mr. Barringer,

*Resolved*, That the Public Treasurer be directed to pay Dirk Lindeman the sum of thirty one dollars, for binding twenty eight volumes of the Laws and Journals and Reports belonging to the State Library; and that he be allowed the same in the settlement of his accounts.

The said resolution was read the first time and passed.

Mr. Sawyer presented the memorial of the trustees of the Edenton Academy, praying the loan of money, to be applied in support of said academy. Ordered that said memorial be referred to the committee on Education.

A message from the Senate, informing of the dissent of that House to the amendment made in the engrossed bill to appoint a committee of Finance for the county of Richmond, and prescribing the sum the clerk of the County Court and Sheriff shall receive for their extra services. The House considered the said message, and resolved that the Senate be informed by message that they recede from their amendment. On motion, ordered that said bill be enrolled.

The resignations of James Burney, lieutenant colonel of the militia of Columbus county; Abraham Vanhoy, lieutenant colonel of the Stokes county militia; and Simmons Harris, of Jones county, justice of the peace, were presented, read and accepted.

The House proceeded to consider the resolution presented by Mr. Smith, of Chatham, on Saturday last, and laid on the table, directing the Governor to loan to some responsible applicant of the New Hope Navigation Company, in the county of Chatham, such instruments belonging to the State as



may be necessary to survey and level the New Hope creek; which being read, was concurred in, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Stedman,

*Resolved*, That the Governor of this State transmit immediately the act of Assembly to incorporate the Lake Drummond and Orapeake Canal Company, to the Governor of the State of Virginia at their present session, and request a confirmation by the Legislature of said State.

On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that they had rejected the recommendation of Haynes Waddell as colonel commandant of the militia of Brunswick county. The recommendation of James Dasher as colonel commandant of the Brunswick county militia, received from the Senate, was read and rejected.

A message from the Senate, informing that they had rejected the engrossed bill concerning the County Courts of the county of Iredell; and informing further, that they do not concur in the recommendation in favor of James V. Reed as a justice of the peace for the county of Bertie.

The bill for the more perfect administration of justice in capital cases, was read the second time. Mr. Gaston moved to amend it, by striking out the whole, except the title, and inserting an amendment, which was read and concurred in. Mr. Edmonston moved that the further consideration of said bill be postponed indefinitely, and called for the yeas and nays. The question thereon was determined in the affirmative—yeas 72, nays 54.

Those who voted in the affirmative, are Messrs. Arrington, Z. Baker, Banner, Barnard, Bell, Bethell, Blair, Borden, Brooks, Brower, Bynum, Byrum, Campbell, Chesor, Cooper, Cox, Cunningham, Dozier, Eccles, Edmonston, Farrier, Fisher, Gary, Grandy, Hancock, Haughton, Hellen, W. S. Hill, Horton, Hough, Jarvis, Jordan, Kendall, King, Little, Long, Loretz, Love, Melvin, Mullen, J. Murphey, M'Neill, Newland, Neill, N. Nicholson, T. Nicholson, O'Brian, Orr, Puccell, Rawls, Rhodes, Richardson, Sasser, Shipp, L. R. Simmons, Sloan, Smallwood, N. G. Smith, Snyder, Speight, Stanly, Stedman, Stockard, Thompson, Webb, Wilder, Williams, T. Wilson, C. Wooten, Wright, Wyche, York—72 yeas.

Those who voted in the negative, are Messrs. Alexander, Barringer, Bateman, Bogle, Branch, Brown, Buie, Buttner, Calloway, Carson, Chamblee, Clark, Davenport, Enloe, Gaston, Graham, Green, Harper, Hayley, Hatch, J. A. Hill, W. G. Jones, W. Jones, Kerr, Larkins, Mebane, Mendenhall, Monk, Moore, Morris, Moye, P. Murphey, M'Gehee, M'Lean, M'Millan, Patrick, Pearson, Polk, Russell, Sawyer, Simpson, B. T. Simmons, Stokes, Swain, Taylor, Watts, Wheeler, S. Whitaker, J. Whitaker, White, J. Wilson, Wiseman, R. Wooten, A. Wooten—54 nays.

Mr. Newland, with leave, presented a bill to authorise the Governor of this State to direct the sale of the unsold lands acquired by treaty from the Cherokee Indians, in the county of Macon; which lands were surveyed by an act of Assembly of 1826. The said bill was read, and, on motion, laid on the table.

The House then, on the motion of Mr. Swain, adjourned until to-morrow morning 10 o'clock.

TUESDAY, DECEMBER 22, 1829.

Mr. Alexander, with leave, presented a bill to amend the militia laws as respects the uniform companies of light infantry, riflemen, granadiers and artillery; which was read the first time, passed, and referred to the Military committee.



Mr. Wyche, from the select joint committee, to whom was referred the report of the commissioners appointed by resolution of the last General Assembly to examine the account of the State against the United States, and all the old standing accounts on the Comptroller's books, reported in part, that the committee had attentively considered the subjects, and directed him to report a resolution on the subject matter, and to recommend its passage. The resolution reported, was read the first time and passed.

A message from the Senate, proposing to ballot immediately for one Counsellor of State yet to be elected. The message was concurred in, and the Senate informed by message that Messrs. Pearson and Barringer attend the Senate as a committee on the part of this House to conduct the balloting, and that the names of John M<sup>r</sup>Alister and James Rainey are withdrawn from the nomination.

Mr. Sawyer, with leave, presented a bill to amend the second section of an act, passed in the year 1815, chapter 893. relative to the cleansing of lots, &c. in the town of Edenton; which was read the first time and passed.

A message from the Senate, informing that Messrs. Cowper and Askew attend this House as a committee on their part to superintend the balloting for one Counsellor of State.

Mr. Nash, from the committee on the Judiciary, to whom was referred the resolution directing them to inquire into the expediency of granting a Superior Court to the county of Macon;

Mr. Nash, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of amending the law relative to the estates of deceased persons, where there is no administrator or executor;

Mr. Nash, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of revising and consolidating the laws respecting surveyors, and the entry of vacant and unappropriated lands;

Mr. Nash, from the same committee, to whom was referred the resolution requiring them to inquire into the expediency of requiring plaintiffs, before taking out execution against the body of a defendant, to proceed against his real and personal estate;

Mr. Nash, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of limiting the liability of securities taken by sheriffs in civil cases to two years after the rendition of the judgment against their principals;

And Mr. Nash, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of more effectually providing by law for the protection of the estates of orphans—reported that the committee had attentively considered the several subjects submitted to them, and instructed him to report it is not expedient at this time to legislate on any of them, and to pray that the committee be discharged from the further consideration thereof. The question to concur with the several reports was determined in the affirmative.

Mr. Barringer, from the committee appointed to conduct the balloting for one Counsellor of State, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.



Mr. Williams, with leave, presented a bill to incorporate Lincoln Academy in Beaufort county; which was read the first time and passed.

Mr. Cox presented the following resolution:

*Resolved*, That it shall not be in order to introduce any private bill into this House after Tuesday next.

Said resolution was read and rejected.

The resignation of Owen B. Cox, major of the 25th regiment of militia for the county of Jones, was presented, read and accepted.

Mr. Pearson presented the following resolution:

Whereas the act of Congress, entitled an act to incorporate the subscribers to the Bank of the United States, does not provide for the offence of selling, or attempting to sell any counterfeit or altered order, check or draft, upon said Bank or any of its branches, or any cashier thereof, knowing the same to be counterfeit or altered, nor for the offence of receiving any counterfeit or altered order, check or draft upon said Bank or any of its branches, or any of the cashiers thereof, knowing the same to be counterfeit or altered; and, whereas the aforesaid offences are of late frequently committed:

*Resolved*, That our Representatives in Congress be requested and our Senators instructed to call the attention of Congress to this subject, for the purpose of amending the act so as to provide for the said offences.

*Resolved*, That copies of the preamble and resolution be immediately transmitted to our Representatives and Senators.

On motion ordered that the said resolution be laid on the table.

Mr. Mendenhall, from the select committee, to whom was referred by resolution the papers and documents relating to a Penitentiary and Lunatic Asylum, which were presented to the last Legislature by the late Governor Iredell, and who were instructed duly to consider the propriety of building a Penitentiary in this State, reported that the committee had considered the subject, and instructed him to report a bill, entitled "a bill to authorise the building a Penitentiary in this State." and to recommend its passage. The said bill was read the first time and passed, and on motion, ordered with the report of the committee to be printed, one copy for each member of the Assembly.

Mr. Mendenhall, from the committee to whom was referred so much of the Governor's message as relates to a map of the State, reported that the committee had considered the subject, and directed him to report a resolution in relation thereto, and to recommend its passage. The said resolution was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill amendatory of the law respecting the crime of bigamy, with amendments; in which they ask the concurrence of this House. The amendments were read, concurred in, and the Senate informed thereof by message.

Mr. Swain, with leave, presented a bill for the improvement of the road from the Old Fort, in Burke, to Ashville, in Buncombe county; which was read the first time and passed.

The bill vesting in the Superior and County Courts jurisdiction of applications for the legitimacy of bastard children, was read the third time. Mr. Carson moved to amend the bill by adding a proviso, "that nothing in this act contained shall exclude such legitimated child or children from inheriting from his or their mother, or his or their brothers and sisters." The question to concur with the amendment was determined in the negative. The bill was then put on its passage, and the question, shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be engrossed, and sent to the Senate for concurrence.



The bill concerning the University of North Carolina, was read the third time, passed, and ordered to be engrossed, and sent to the Senate.

The engrossed bill granting jurisdiction to the respective County Courts within this State, to alter the names of individuals on application, was read the first time and rejected.

The bill to amend and improve the Hickory Nut Gap Road, was read the third time and rejected—yeas 57, nays 60. The yeas and nays called for by Mr. C. Wooten.

Those who voted in the affirmative, are Messrs. Z. Baker, Banner, Barnard, Barringer, Bateman, Bogle, Borden, Butner, Calloway, Campbell, Carson, Cunningham, Davenport, Beales, Edmouston, Enloe, Fisher, Gary, Gauze, Graham, Haughton, J. A. Hill, Hurton, W. Jones, Kerr, Kendall, King, Loretz, Love, Mendenhall, Moore, Murchison, M'Ghee, M'Lean, M'Millan, M'Neill, Nash, Newland, Neill, O'Brian, Orr, Patrick, Pearson, Folk, Shipp, Simpson, N. G. Smith, Snyder, Stanly, Stokes, Swain, Webb, J. Whitaker, White, J. Wilson, Wiseman, York—57 yeas.

Those who voted in the negative, are Messrs. Arrington, M. Baker, Bethell, Branch, Brooks, Brown, Brower, Buie, Byrum, Chamblee, Chesson, Clark, Cooper, Cox, Dozier, Farrier, Gaston, Grandy, Harper, Hatch, Hayley, W. S. Hill, Hough, Jordan, Larkins, Lilly, Little, Mebaue, Melvin, Mhoon, Monk, Morris, Moye, Mullin, P. Murphey, J. Murphey, N. Nicholson, T. Nicholson, Purcell, Rawls, Rhodes, Richardson, Russell, Sasser, Sawyer, B. T. Simmons, Sloan, Speight, Stedman, Stockard, Taylor, Thompson, Watts, S. Whitaker, Wilder, Williams, T. Wilson, C. Wooten, Wright, Wyche—60 nays.

On motion, the House adjourned until 3 o'clock, P. M.

Mr. Sawyer, with leave, presented a bill to repeal part of an act, passed in the year 1819, chapter 45, entitled an act to amend the laws now in force respecting the town of Edenton; and Mr. Morris presented a bill to amend an act, passed in the year 1825, entitled an act to prevent the falling of timber in, or obstructing the run of Brown creek in the county of Anson. These bills were read the first time and passed.

The engrossed bill concerning the fees of the standard keeper of the county of Rutherford, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to authorise the forming a fire engine company, in the town of Elizabeth City, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, asking the concurrence of that House with the amendment.

The bill to authorise Thomas L. Cowan, of the county of Rowan, to erect certain gates therein mentioned; also the bill supplementary to an act for improving Black or South river, were read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Hill, of Wilmington, presented a bill to amend an act, passed in the year 1819, entitled an act to amend an act, passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes; and Mr. Fisher presented a bill to incorporate the Salisbury Vigilant Fire Company. These bills were read, each, the first time and passed.

The bill to compel the trustees of Moore, Chowan and Robeson counties to pay the jurors in preference to others, was read the second and third times, amended and passed; also the bill to prevent the falling of timber in, or obstructing the run of Rocky river in a portion of Chatham, was read the second and third times, amended and passed. Ordered that the said bills be engrossed, and sent to the Senate for concurrence.

The engrossed bill to authorise the setting of guns in the night in



the desert in the counties of Pasquotank and Perquimons, was read the second and third times, passed and ordered to be enrolled.

The bill to alter the time of making the returns of tax lists for the county of Brunswick, was read the second time and passed.

The bill to authorise the Court of Pleas and Quarter Sessions of the county of Currituck to provide for the erection of public buildings, and for other purposes, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The bill to amend an act, passed in 1827, providing for the incorporation of the town of Lexington, in the county of Davidson, was read the second time and passed. Ordered that the said bill be laid on the table.

The bill to authorise the securities of William Gregory, late sheriff of Pasquotank county, to collect arrears of taxes for the year therein mentioned, was read the second and third times, passed and ordered to be engrossed, and sent to the Senate for concurrence.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 23, 1829.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for one Counsellor of State for the ensuing year.

On motion of Mr. Whitaker, of Macon,

*Resolved*, That the committee of Internal Improvement be instructed to inquire into the expediency of promoting the object of an act, passed 1826, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee river Turnpike Road, either by an increase of the shares of the stock of said company, and a subscription by the State for some portion of such additional shares, or otherwise.

A message from the Senate, consenting to ballot for one Counsellor of State yet to be elected, and informing that Messrs. Mosely and Hinton attend this House as a committee on their part to superintend the balloting; and informing further, that the name of Nathan B. Whitfield is withdrawn from the nomination. On motion, ordered that the Senate be informed by message that Messrs. Cox and Clark form the committee to superintend the balloting on the part of this House.

The bill to insure the fair valuation of lands in this State when the same shall be given in for taxation, was read the second time. Mr. Swain moved to amend the bill by striking out the whole, except the title, and to insert an amendment; which being read at the Clerk's table, Mr. Wyche moved that the bill and amendment be postponed indefinitely. The question thereon was determined in the negative. The question recurring on the reception of the amendment, was determined in the affirmative. The bill, as amended, was put on its passage, and the question, shall the said bill pass as amended? was determined in the affirmative. On motion, ordered that it be printed, one copy for each member of the Assembly.

Mr. Nash, from the Judiciary committee, reported on the following subjects referred to their consideration, to wit: A bill vesting in a single justice jurisdiction in certain cases; a resolution instructing them to inquire into the expediency of providing by law for renting out by executors and administrators of the lands of their testator or intestate; a bill to change the mode of instituting suits in ejectment; a bill more effectually to prevent fraud in deeds of trust and mortgages; and a resolution directing them to inquire into the expediency of repealing the law passed at the last session of the



Legislature, relative to executors and administrators, reported that the committee had considered the several subjects, and directed him to report that it is inexpedient to legislate on any of them, and to pray that the committee be discharged from the further consideration of any of them. The question to concur with the report was determined in the affirmative.

On motion of Mr. Mebane, the House reconsidered the vote rejecting the bill to amend and improve the Hickory Nut Gap road.

Mr. Cox, from the committee appointed to superintend the balloting for one Counsellor of State, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Joseph B. Outlaw had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Little, with leave, presented a bill to authorise John H. Jenkins, of Edgecomb county, to collect certain arrearages of taxes therein mentioned; which being read, Mr. Webb moved that the further consideration thereof be postponed indefinitely. The question thereon was determined in the negative. Mr. O'Brian moved that the bill be laid on the table. The question thereon was determined in the negative. The bill thereupon was put upon its passage, and the question, shall the said bill pass its first reading? was determined in the affirmative.

The engrossed bill directing the removal of certain papers from the office of the Treasurer to that of the Secretary of State, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, asking its concurrence with the amendment.

Mr. Horton presented the petition of sundry citizens of Wilkes county, praying that commissioners be appointed to lay off a road from General Edmund Jones's, on the Yadkin, by the way of Buffalo, Ives Fork, Storey's Gap, and to intersect the turnpike at or near the Three Forks Meeting House, in Ashe. On motion, ordered that the petition be referred to the committee on Internal Improvement.

Mr. Calloway, from the select committee to whom was referred the resolution relative to the sale of the public lands of the United States, and the appropriation of the proceeds thereof among the several States, reported that the committee had considered the resolution, and directed him to report a resolution relative to the matter, and to recommend its passage. The resolution was read and ordered to be laid on the table.

The bill to amend and improve the Hickory Nut Gap Road, was read the third time, amended and passed—yeas 74, nays 49. The yeas and nays demanded by Mr. Brown.

Those who voted in the affirmative, are Messrs. Alexander, Z. Baker, Banner, Barringer, Bateman, Bethell, Bogle, Borden, Brooks, Buttner, Bynum, Calloway, Campbell, Carson, Cox, Cunningham, Davenport, Eccles, Edmonston, Enloe, Fisher, Gary, Gaston, Gauze, Graham, Green, Hancock, Haughton, Hayley, Hellen, J. A. Hill, Horton, Hough, Jarvis, W. G. Jones, W. Jones, Kerr, Kendall, King, Larkins, Lilly, Long, Loretz, Love, Mebane, Mendenhall, Moore, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, Newland, T. Nicholson, O'Brian, Orr, Patrick, Pearson, Polk, Shipp, Simpson, Smallwood, N. G. Smith, Snyder, Stokes, Swain, Webb, J. Whitaker, White, J. Wilson, Wiseman, A. Wooten, York—75 yeas.

Those who voted in the negative, are Messrs. Arrington, M. Baker, Blair, Branch, Brown, Brower, Buie, Byrum, Chamblee, Chesson, Clark, Cooper, Dozie, Farrier, Grandy, Harper, W. S. Hill, Jordan, Little, Melvin, Mhoon, Monk, Morris, Moye, Mullen, P. Murphey, J. Murphey, N. Nicholson, Purcell, Rawls, Rhodes, Richardson, Russell, L. R. Simmons, B. T. Simmons, Sloan, Speight, Stedman, Stockard, Taylor, Thompson, Watts, Wilder, Williams, T. Wilson, R. Wooten, C. Wooten, Wright, Wyche—49 nays.



Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Nash, from the Judiciary committee, to whom was referred the bill to disqualify persons holding a seat in the General Assembly from the enjoyment of any lucrative office, reported that the committee had considered the bill, and directed him to return it to the House, and to ask to be discharged from the further consideration thereof. Mr. Calloway moved that the further consideration of the bill be postponed indefinitely. The question thereon was determined in the affirmative—yeas 74, nays 51. The yeas and nays called for by Mr. Carson.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, Z. Baker, J. Baker, Barringer, Bateman, Bogle, Branch, Brooks, Brower, Buie, Calloway, Campbell, Carson, Chamblee, Clark, Cooper, Cox, Cunningham, Enloe, Gary, Gaston, Gauze, Graham, Harper, Haughton, J. A. Hill, Jarvis, W. G. Jones, W. Jones, Kendall, King, Lilly, Long, Mebane, Melvin, Mendenhall, Mhoon, Moore, Murchison, P. Murphey, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, O'Brian, Pearson, Purcell, Rhodes, Russell, Sawyer, Shipp, Simpson, L. R. Simmons, Smallwood, N. G. Smith, Snyder, Speight, Swain, Thompson, Watts, Wheeler, S. Whitaker, J. Whitaker, White, J. Wilson, T. Wilson, R. Wooten, C. Wooten, A. W. Wooten, Wyche, York—74 yeas.

Those who voted in the negative, are Messrs. M. Baker, Barnard, Bethell, Blair, Brown, Buttner, Bynum, Byram, Chesson, Davenport, Dozier, Edmonston, Farrier, Fisher, Grandy, Green, Hancock, Hayley, Hellen, W. S. Hill, Horton, Hough, Jordan, Kerr, Larkins, Little, Loretz, Monk, Morris, Moye, Mullin, J. Murphey, Newland, Neill, N. Nicholson, F. Nicholson, Orr, Patrick, Rawls, Richardson, Simmons, Sloan, Stedman, Stockard, Stokes, Taylor, Webb, Wilder, Williams, Wiseman, Wright—51 nays.

The House then adjourned until to morrow morning, 9 o'clock.

#### THURSDAY DECEMBER 24, 1829.

Mr. Whitaker, with leave, presented a bill to extend the provisions of an act, passed 1828; and Mr. Newland, a bill to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay off a turnpike road from the Lincoln line to James Loving's, passing through the several gaps of the South Mountains, and for other purposes. These bills were read the first time and passed.

A message from the Senate, informing that they concur with the amendments made by this House in the engrossed bill to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hertford and Duplin. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to authorise Nathan G. Blount to erect a spiral wheel on Neuse river; in which they ask the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, informing of the concurrence of that House to the proposition to raise a select joint committee to inquire into the progress of the business before the two Houses, and ascertain how far it may be practicable to close the session within the present month, and report accordingly; and informing that Messrs. Spaight and Hinton of Wake form the committee on their part. The Speaker selected Messrs. Carson, Harper and Wilson of Perquimons to join the committee selected by the Senate.

The Speaker laid before the House the following communication from the Public Treasurer:

In obedience to a resolution of the General Assembly, of the 12th instant, I have the honor to transmit statements furnished by the branches of the State Bank at Wilmington and Fayetteville, and the Bank of Cape Fear at the former place.

On motion, ordered that the said communication be sent to the Senate,



proposing to refer it to the joint select committee on the Banks; and that the statements be printed, one copy for each member of the Assembly.

Mr. Webb presented the following resolution:

*Resolved*, When the House adjourns, it shall adjourn until Saturday, 10 o'clock.

On motion, ordered that the resolution be laid on the table.

A message from the Senate, informing of their concurrence with the proposition of this House to refer to a select joint committee the expediency of inquiring into the responsibility of the securities of the late John Haywood, former Treasurer, &c. and informing that Messrs. Meares, Dick, Mosely, Marshall and Ward form the committee on their part.

The bill giving time to the Banks of Cape Fear and Newbern to close their business, and to pay and collect their debts, was read, and after discussion, on motion, ordered to be laid on the table.

On motion of Mr. Gaston, ordered that the report and resolution submitted by the select committee on the subject of appropriating the funds set apart for internal improvements by the Congress of the United States, &c. &c. be printed one copy for each member of the Assembly.

The resolution presented by Mr. Pearson on Tuesday last, was read, concurred in and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Cox presented the memorial of sundry citizens of Jones county, praying for an appropriation of money for the improvement of the navigation of Trent river. On motion, ordered that the memorial be referred to the committee on Internal Improvement.

Mr. Russell, with leave, presented a bill for the relief of Presley C. Person; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to provide for the better organization of the County Courts of Rutherford county; a bill concerning the appointment of commissioners for the county of Franklin and town of Louisburg; and a bill to establish a bank on behalf of, and for the benefit of the State; in which they ask the concurrence of this House.

On motion, ordered that the bill to establish a bank on behalf of, and for the benefit of the State, be printed, one copy for each member of the Assembly.

Mr. Fisher presented the following resolution:

Whereas it is represented to this General Assembly that the garden attached to the residence of the Governor of the State, owing to the declivity of the ground on which it is located, cannot be enriched and cultivated to advantage; and that, owing to this circumstance, it is at this time in an imperfect state of repairs: Therefore,

*Resolved*, That William Robards, William Hill and Beverly Daniel be authorised and directed to examine the premises, and cause to be made thereon the requisite repairs and improvements; that the expenses thereof be paid by the Public Treasurer; and that he be allowed the same in the settlement of his public account.

The resolution was read the first time and passed.

Mr. Wheeler presented the following resolution:

*Resolved*, as to-morrow is an anniversary celebrated with all Christian people by religious ceremonies, that when this House adjourns, it adjourn until Saturday morning 9 o'clock.

The question to concur with the resolution was determined in the negative.

The bill to vest the right of electing sheriffs in the several counties of this State in the free white men thereof, was read the second time. Mr. Green moved that the further consideration thereof be postponed indefinitely. The



question thereon was determined in the negative—yeas 42, nays 86. The yeas and nays called for by Mr. Cunningham.

Those who voted in the affirmative, are Messrs. M. Baker, Barringer, Bateman, Borden, Chamblee, Chesson, Clark, Cox, Eccles, Gaston, Graham, Green, Harper, Hayley, J. A. Hill, Hough, W. G. Jones, Larkins, Little, Long, Mendenhall, Mhoon, Moyer, P. Murphey, M'Gehee, M'Lean, M'Millan, Nash, T. Nicholson, O'Brian, Pearson, Polk, Rhodes, Sasser, Simpson, Stanly, Swain, Webb, Wheeler, J. Wilson, C. Wooten, Wyche—42 yeas

Those who voted in the negative, are Messrs. Alexander, Arrington, Z. Baker, Banner, Barnard, Bethell, Blair, Bogle, Branch, Brooks, Brown, Brower, Buie, Buttner, Byrum, Calloway, Campbell, Carson, Cooper, Cunningham, Davenport, Dozier, Edmonston, Enloe, Farrier, Fisher, Gary, Gauze, Grandy, Hancock, W. S. Hill, Horton, Jarvis, W. Jones, Jordan, Kerr, Kendall, King, Lilly, Loreiz, Love, Mebane, Melvin, Monk, Moore, Morris, Mullen, Murchison, J. Murphey, M'Neill, Newland, Neill, N. Nicholson, Orr, Patrick, Purcell, Rawls, Richardson, Russell, Sawyer, Shipp, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. Smith, N. G. Smith, Snyder, Speight, Stedman, Stockard, Stokes, Taylor, Thompson, Watts, S. Whitaker, J. Whitaker, White, Wilder, Williams, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, Wright, York—86 nays.

Mr. Carson moved to amend the bill by adding the words, after the word *law* in the 6th line of the fourth section, "and take the oaths heretofore prescribed by law for the qualification of sheriffs," and called for the yeas and nays. The question thereon was determined in the affirmative—yeas 90, nays 39

Those who voted in the affirmative, are Messrs. Alexander, Arrington, M. Baker, Banner, Barringer, Bateman, Bethell, Bogle, Borden, Branch, Brower, Buie, Calloway, Campbell, Carson, Chamblee, Chesson, Clark, Cooper, Cunningham, Eccles, Enloe, Farrier, Fisher, Gaston, Graham, Green, Haughton, J. A. Hill, W. S. Hill, Hough, W. G. Jones, W. Jones, Kerr, Kendall, King, Larkins, Lilly, Little, Long, Loreiz, Mebane, Mendenhall, Monk, Morris, Moyer, Mullen, Murchison, P. Murphey, M'Gehee, M'Lean, M'Millan, Nash, Newland, N. Nicholson, T. Nicholson, O'Brian, Orr, Pearson, Polk, Purcell, Rawls, Rhodes, Russell, Sasser, Sawyer, Shipp, Simpson, L. R. Simmons, Sloan, N. G. Smith, Snyder, Speight, Stanly, Stokes, Swain, Taylor, Thompson, Wheeler, S. Whitaker, J. Whitaker, White, J. Wilson, T. Wilson, Wiseman, A. W. Wooten, C. Wooten, Wright, Wyche, York—90 yeas.

Those who voted in the negative, are Messrs. Z. Baker, Barnard, Blair, Brooks, Brown, Buttner, Bynum, Byrum, Cox, Davenport, Dozier, Edmonston, Gary, Gauze, Grandy, Hancock, Harper, Hatch, Hayley, Hellen, Horton, Jarvis, Jordan, Melvin, Moore, J. Murphey, Neill, Patrick, Richardson, B. T. Simmons, Smallwood, N. Smith, Stedman, Stockard, Watts, Webb, Wilder, Williams, R. Wooten—39 nays

Mr. Wiseman moved to amend the bill by adding at the end of the eighth section, the following proviso: "Provided, that if the coroner does not give the bonds required, the justices present shall elect some fit person to act in his place, upon giving the bonds required." The question thereon was determined in the negative. Mr. Hill, of Wilmington, moved to amend the bill by adding the following proviso, at the end of the 9th section: "Provided always, that nothing herein contained shall be so construed as to repeal the law, or any part of the law which renders the magistrates liable for neglecting to take bonds and securities of a sheriff or coroner." The question thereon was determined in the affirmative. Mr. Neill moved to amend the bill by adding an additional section: "And be it further enacted, that it shall be lawful for the justices of the peace in their respective County Courts, when they receive the sheriffs' bonds to transact all county business, if they deem it necessary, that may require the presence of a majority of them; any law to the contrary notwithstanding." The question to concur with the amendment was determined in the negative. Mr. M'Lean moved to amend the bill by an additional section, to wit: "Be it further enacted, that if any person shall at any time, before or after any election, either directly or indirectly, give any money, gift, gratuity or reward to any elector



or electors, in order to be elected, or to procure any other person to be elected sheriff agreeably to the provisions of this act, or shall treat any electors with spirituous or other liquors for the purpose aforesaid, every person so offending shall forfeit and pay the sum of five hundred dollars, to be recovered by action of debt in any court of record in this State, and if elected be liable to indictment for such conduct, and on conviction thereof, to all the pains and penalties by law annexed to misdemeanors in office." The said amendment was read and rejected. The bill then, as amended, was put on its passage, and the question, shall the said bill pass as amended? was determined in the affirmative—yeas 79, nays 50. The yeas and nays called for by Mr. Bynum.

Those who voted in the affirmative, are Messrs Alexander, Arrington, Z. Baker, Banner, Barnard, Bethell, Blair, Bogle, Branch, Brooks, Brown, Brower, Buie, Buttner, Calloway, Carson, Cooper, Cunningham, Davenport, Dozier, Edmonston, Enloe, Fisher, Gary, Gause, Grandy, Hancock, Hellen, W. S. Hill, Horton, Jarvis, W. Jones, Jordan, Kerr, Kendall, King, Lilly, Loretz, Mebane, Melvin, Monk, Moore, Morris, Mullen, Murchison, J. Murphey, Newland, Neill, N. Nicholson, Orr, Patrick, Purcell, Rawls, Richardson, Russell, L. R. Simmons, B. F. Simmons, Sloan, Smallwood, N. Smith, N. G. Smith, Snyder, Stedman, Stockard, Stokes, Taylor, Thompson, Watts, S. Whitaker, J. Whitaker, White, Wilder, Williams, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, Wright, York—79 yeas.

Those who voted in the negative, are Messrs M. Baker, Barringer, Bateman, Borden, Bynum, Byrum, Campbell, Chamblee, Chesson, Clark, Cox, Eccles, Farrier, Gaston, Graham, Green, Harper, Hatch, Houghton, Hayley, J. A. Hill, Hough, W. G. Jones, Larkins, Little, Long, Mendenhall, Mhoon, Moyer, P. Murphey, M'Gehee, M'Lean, M'Millan, Nash, T. Nicholson, O'Brian, Pearson, Polk, Rhodes, Sasser, Sawyer, Shipp, Simpson, Stanly, Swain, Webb, Wheeler, J. Wilson, C. Wooten, Wyche—50 nays.

Mr. Gaston moved that when the House adjourns, it adjourn until Saturday, 9 o'clock. The question thereon was determined in the negative—yeas 58, nays 61. The yeas and nays called for by Mr. Neill.

Those who voted in the affirmative, are Messrs Alexander, Z. Baker, Banner, Buie, Bynum, Calloway, Campbell, Chamblee, Chesson, Davenport, Eccles, Edmonston, Enloe, Farrier, Gary, Gaston, Gause, Houghton, Hayley, Hellen, J. A. Hill, Jarvis, W. Jones, King, Larkins, Lilly, Mendenhall, Mhoon, Monk, Moore, Murchison, P. Murphey, M'Gehee, M'Millan, Nash, N. Nicholson, O'Brian, Orr, Patrick, Purcell, Rhodes, Sasser, Sawyer, Shipp, Simpson, N. G. Smith, Stanly, Stedman, Swain, Taylor, Watts, Webb, Wheeler, S. Whitaker, Wilder, Williams, J. Wilson, Wyche—58 yeas.

Those who voted in the negative, are Messrs Arrington, M. Baker, Barnard, Barringer, Bethell, Bogle, Borden, Branch, Brown, Brower, Buttner, Byrum, Carson, Clark, Cooper, Cox, Cunningham, Dozier, Fisher, Graham, Grandy, Green, Harper, W. S. Hill, Horton, Hough, W. G. Jones, Jordan, Kerr, Kendall, Little, Loretz, Melvin, Morris, Moyer, Mullin, J. Murphey, M'Lean, Newland, Neill, T. Nicholson, Polk, Rawls, Richardson, Russell, L. R. Simmons, B. T. Simmons, Sloan, Snyder, Stockard, Stokes, Thompson, J. Whitaker, White, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wright, York—61 nays.

On motion, the House then adjourned until Saturday, 10 o'clock.

#### SATURDAY, DECEMBER 26, 1829.

Mr. Smith, of Chatham, with leave, presented a bill to amend an act, passed A. D. 1828 entitled an act to amend the law regulating the inspection of flour in the town of Fayetteville; which was read the first time and passed.

On motion, ordered that Mr. Baker, of Edgecomb, have leave of absence from the service of this House for this day, and Mr. Mebane have leave of absence until Tuesday next.



Mr. Polk, from the Military committee, to whom was referred the memorial of a number of the citizens of Montgomery county, reported that the committee had considered the memorial, and directed him, as the prayer thereof is sufficiently provided for by the existing law, to pray that the committee be discharged from the further consideration of the subject. The question to concur with the report was determined in the affirmative.

Mr. Polk, from the same committee, to whom was referred the bill to amend the militia laws of this State, so far as respects the uniform companies of light infantry, riflemen, granadiers and artillery, reported that the committee had considered the bill, and directed him to report it to the House without amendment. The bill thereupon was read the second time and passed.

The bill to alter the times of holding the Superior Courts of Law and Equity, in the third judicial circuit, was read the second time and rejected.

Mr. Graham presented the petition of sundry citizens, on the subject of a turnpike road; which being read, on motion, was referred to the members representing the counties of Rutherford and Buncombe.

The resignation of Marsden Campbell, a member of the Board of Internal Improvement, was presented, read and accepted.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to amend an act, passed last session, entitled an act to establish separate elections in the county of Person; a bill to authorise Andrew Welch and William Thomas, of the county of Macon, to erect certain gates therein mentioned; a bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Wayne; a bill to amend an act, passed A. D. 1817, entitled an act to prevent persons from obstructing the passage of fish up Newbegun creek, in the county of Pasquotank; and the resolution concerning the settlement of the sheriff of Macon; in which they ask the concurrence of this House. These bills were respectively read the first time and passed.

The engrossed bill to provide for the better organization of the County Courts of Rutherford; and the engrossed bill concerning the appointment of commissioners for the county of Franklin and town of Louisburg, were read the third time, passed, and ordered to be enrolled.

Mr. Edmonston, with leave, presented a bill to authorise the appointment of commissioners to run and mark the dividing line between the counties of Haywood and Buncombe; and Mr. Webb, a bill to compel executors and testamentary guardians to give security, were read the first time, the former passed, and the latter rejected.

Mr. Mendenhall, from the committee of Claims, to whom was referred certain papers and documents in support of a claim of Jacob Hartman, of New Hanover county, reported that the committee had considered the said claim, and directed him to recommend its rejection, and to ask that the committee be discharged from the further consideration of the subject. The report was read and concurred in. On motion of Mr. Hill, of Wilmington, ordered that he have leave to withdraw from the files, the papers and documents accompanying the report.

Mr. Cox presented the petition of sundry citizens of the county of Jones, on the subject of runaway negroes. On motion, ordered that the petition be referred to a select committee, consisting of Messrs. Cox, A. W. Wooten, Larkins and Stockard.



Mr. Carson, with leave, presented a bill to amend an act, passed in 18 , entitled an act allowing further time for registering grants, proving and registering mesne conveyances, powers of attorney, bills of sale, and deeds of gift; and furthermore, to provide for the appointment of commissioners by the Governor, in any of the States of these United States, and the district of Columbia, to take and receive acknowledgment or probate of any, and all such deeds or other instruments of writing, required to be registered, by the laws of this State; which was read the first time and passed, and, on motion, referred to the committee on the Judiciary.

The House then adjourned until 3 o'clock, P. M.

The bill to amend an act, passed A. D. 1827, providing for the incorporation of the town of Lexington, in the county of Davidson, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Stanly presented a bill to improve the navigation of Trent river, above the town of Trenton; which was read the first time, passed, and, on motion, referred to the committee on Internal Improvement.

The engrossed bill concerning the County Courts of Martin county, was read the second time. Mr. Cooper moved to amend it by adding the following section: " And be it further enacted by the authority aforesaid, that it shall not be lawful for the Court of Pleas and Quarter Sessions of Martin county, from and after the passage of this act, to cause to be summoned any grand jury to attend at January and July terms of said Courts; but that the grand jury shall be dispensed with at said courts." The question to concur with the amendment was determined in the negative. The bill was then put on its passage, and the question, shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be read the third time, and the question, shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be enrolled.

The engrossed bill to prevent the falling of timber in, or obstructing the runs of Big and Little Pole Cat creeks, in Randolph county; also the bill to compensate the Board of Wardens for the county of Hyde, for their services in the management of the poor in said county, were read the second and third times, passed, and ordered to be enrolled.

The bill concerning the Cross Canal leading from the Great Dismal Swamp Canal, near the head of the woods in Camden county, to the White Oak Spring Marsh, in Gates county; also the bill concerning the Buncombe turpike road, were read the second and third times, passed; and ordered to be engrossed, and sent to the Senate for concurrence.

The bill concerning the payment of jurors in the county of Martin, was read the third time, and, on motion of Mr. Cooper, amended. The question, shall the said bill pass as amended? was determined in the affirmative. Ordered that the said bill be engrossed, and sent to the Senate for concurrence.

The bill to establish a poor house in Nash county, and for other purposes, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to authorise the Court of Pleas and Quarter Sessions of New Hanover county to appoint a committee of finance, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.



The bill to provide for the better organization of the County Courts of Rutherford, was read the second time and rejected.

The bill concerning the working of roads in the county of Lincoln; also the bill to exempt certain persons in the county of Hyde from serving as jurors of the original pannel; also the bill to amend the second section of an act, passed in the year 1815, chapter 893, relative to the cleaning of lots, &c. in the town of Edenton; also the bill to incorporate Lincoln Academy, in Beaufort county; also the bill to repeal part of an act, passed in the year 1819, chapter 45, entitled an act to amend the laws now in force respecting the town of Edenton; also the bill to amend an act, passed in the year 1825, entitled an act to prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county; also the bill to incorporate the Salisbury Vigilant Fire Company; also the bill to repeal an act, passed in the year 1828, entitled an act concerning the appointment of coopers in the town of Wilmington, and for other purposes; also the bill to extend the provisions of an act, passed in the year 1823, entitled an act supplemental to an act to erect that part of Haywood, commonly called the Cherokee Purchase, into a separate and distinct county, were respectively read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Stokes, ordered that Leonard Whittenton have leave to withdraw from the files the vouchers and documents accompanying his petition.

The bill to authorise the County Court of Duplin to purchase certain lands; also the bill concerning a troop of cavalry in Burke, Wilkes and Iredell; and also the bill for the purpose of preventing a nuisance in the town of Tarborough, were severally read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The following engrossed bills were read the second and third times and passed to wit: A bill to amend an act, passed last session, entitled an act to establish separate elections in the county of Person; also the bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Wayne; also the bill to authorise Nathan G. Blount to erect a spiral wheel on the waters of Neuse river; also the bill to amend an act, passed A. D. 1817, entitled an act to prevent persons from obstructing the passage of fish up Newbegun creek, in the county of Pasquotank; also the bill to authorise the appointment of commissioners to run and mark the dividing line between the counties of Haywood and Buncombe; also the bill for the improvement of the road from the Old Fort, in Burke, to Asheville, in Buncombe county; and also the bill to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay off a turnpike road from the Lincoln line to James Loving's, passing through the several gaps of the South mountains, and for other purposes, were read the second time and passed.

The engrossed resolution concerning the settlement of the sheriff of Macon county, was read the second time and passed.

The engrossed bill to authorise Andrew Welch and William Thomas, of the county of Macon, to erect certain gates therein mentioned, was read the third time, amended, and passed. Ordered that the said bill be sent to the Senate, with a message asking the concurrence of that House with the amendment.



The engrossed bill to repeal part of an act, passed at the last session, chapter 74, entitled an act to compel the clerks of the County and Superior Courts and register of the county of Chatham to keep their respective offices at Pittsborough in said county, and for other purposes, was read the first time and rejected.

The engrossed bill for the relief of James D. Justice, of the county of Buncombe, was read the third time and passed. Ordered that the said bill be sent to the Senate, with a message asking the concurrence of that House in the amendment.

The bill to authorise Samuel H. Jenkins, of Edgecomb county, to collect certain arrearages of taxes therein mentioned; also the bill for the relief of Presley C. Person; and also the bill to amend an act, passed in the year 1819, entitled an act to amend an act, passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes, were read the second time and rejected.

Mr. Hancock presented the following resolution:

*Resolved*, That the committee on so much of the Governor's message as relates to a Penitentiary, be also instructed to inquire into the expediency of establishing in this State an asylum for the education of the deaf and dumb; and that they report by bill or otherwise.

The resolution was read and, on motion, rejected.

Mr. Bynum presented the following resolution:

Whereas, in the opinion of this General Assembly, the permanency of our political institutions greatly depends on a definite partition of powers between the Federal and State Governments, giving to one all the powers distinctly enumerated in the Constitution, and reserving to the others all those not delegated to the United States, nor prohibited to the States by the Constitution:

*Therefore resolved*, That the Congress, under the division of these powers, have no right to pursue works of internal improvements, such as the cutting of roads and canals, within the limits of the individual States.

*Resolved*, as the opinion of this Legislature, that the assumption and exercise of such a power by Congress is contrary to the genius and spirit of our federal compact, and subversive of the independence and sovereignty of the individual States.

*Be it therefore resolved*, as the opinion of this Legislature, that the exercise of such a power would prove as inexpedient and impolitic, as it is unconstitutional.

*Resolved*, That if it be deemed expedient by the States that the Constitution should be so amended as to apportion the surplus funds of the revenue of the United States amongst the several States according to the ratio of their representation, to be placed under the immediate control of the Legislatures of the several States, to be appropriated to such improvements as may be deemed by them most expedient for their internal regulations, that our Senators in Congress be instructed, and our Representatives requested to use their best efforts to accomplish the proposed amendments to the Federal Constitution, and to sustain, by all other legal means, the principles contained in these resolves.

*Resolved*, That the executive be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Mr. Gaston presented the following resolution:

*Resolved*, That the General Government has not the right to make improvements within the limits of this State, except such as are necessary and proper means to execute the powers which have been delegated by the Constitution of the United States.

*Resolved*, That roads required for military operations, or for the convenient and speedy transmission of the mail; canals for facilitating commerce between this State and her sister States; and inlets, ports and harbors, made or improved for the purposes of commerce with foreign nations and the other States of the confederacy, are among the means necessary and proper to execute powers thus delegated.

*Resolved*, That the General Government has also the constitutional power to appropriate money to all such objects of internal improvement as may be sanctioned by this State, and tend to the promotion of the general prosperity of the United States.

*And resolved further*, That to insure to each State a fair part in such appropriations, it is expedient that the General Government should apportion its surplus revenue among the several States according to the ratio of their representation, to be by them applied to these purposes of internal improvement.



On motion, ordered that these resolutions be printed, one copy for each member of the Assembly, and that they be laid on the table.

The bill to increase the salary of the Public Treasurer, was read the second time. Mr. Nash moved to amend the bill, by striking out the whole, and inserting an amendment in the following words: "That the Treasurer of this State, in addition to the sum heretofore granted him by the act of 1827, be allowed an additional sum of five hundred dollars, to employ a clerk or clerks in his office, to be paid out of the Treasury in half-yearly payments, on warrants to be drawn by the Governor of the State," and that the title of the bill be "a bill to enable the Public Treasurer to employ the service of additional clerks." Mr. Taylor moved that the bill and amendment be postponed indefinitely, and called for the yeas and nays. The question thereon was determined in the negative—yeas 34, nays 90.

Those who voted in the affirmative, are Messrs. Brooks, Brown, Brower, Buie, Clark, Cooper, Farrier, Grandy, Hancock, Harper, W. S. Hill, Horton, Jarvis, W. J. Jones, W. Jones, Little, Morris, Mullen, J. Murphey, Neill, T. Nicholson, Richardson, L. R. Simmons, Smallwood, Stedman, Stockard, Taylor, Thompson, Wilder, Williams, R. Wooten, C. Wooten, Wright, York—34 yeas.

Those who voted in the negative, are Messrs. Alexander, Arrington, Banner, Barnard, Barringer, Bateman, Bethell, Blair, Bogle, Borden, Branch, Buttner, Bynum, Byrum, Calloway, Campbell, Carson, Chamblee, Chesson, Cox, Cunningham, Davenport, Dozier, Eccles, Edmonston, Enloe, Fisher, Gary, Gaston, Gauze, Graham, Green, Hatch, Haughton, Hayley, Hellen, J. A. Hill, Hough, Jordan, Kerr, Kendall, King, Larkins, Lilly, Long, Loretz, Love, Melvin, Mendenhall, Monk, Moore, Moyer, P. Murphey, M'Gehee, M'Lean, M'Millan, M'Neil, Nash, Newland, N. Nicholson, O'Brian, Orr, Patrick, Pearson, Polk, Purcell, Rawls, Rhodes, Russell, Sasser, Sawyer, Shipp, Simmons, Sloan, N. Smith, N. G. Smith, Snyder, Speight, Stanly, Stokes, Swain, Watts, Webb, Wheeler, J. Whitaker, White, T. Wilson, Wiseman, A. Wooten, Wyche—90 nays.

Mr. Stokes moved to amend the amendment, by striking out the word *five*, and inserting the word *four*. The question thereon was determined in the affirmative. The bill was thereupon put on its passage and the question, shall the said bill pass its second reading as amended? was determined in the affirmative—yeas 64 nays 62. The yeas and nays called for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, Banner, Barringer, Bateman, Bethell, Blair, Borden, Branch, Calloway, Campbell, Carson, Chamblee, Chesson, Cox, Davenport, Eccles, Enloe, Fisher, Gary, Gaston, Gauze, Graham, Green, Haughton, Hayley, Hellen, J. A. Hill, Hough, Kerr, Kendall, Larkins, Lilly, Long, Loretz, Mendenhall, Mhoon, Moore, P. Murphey, M'Gehee, M'Lean, M'Millan, Nash, Newland, O'Brian, Pearson, Polk, Russell, Sawyer, Shipp, Simpson, N. G. Smith, Stanly, Stokes, Swain, Watts, Webb, Wheeler, J. Whitaker, White, Wilson, A. Wooten, Wyche—64 yeas.

Those who voted in the negative, are Messrs. Z. Baker, Barnard, Bogle, Brooks, Brown, Brower, Buie, Buttner, Bynum, Byrum, Clark, Cooper, Dozier, Edmonston, Farrier, Grandy, Hancock, Harper, Hatch, W. S. Hill, Horton, Jarvis, W. G. Jones, W. Jones, Jordan, Little, Love, Melvin, Monk, Morris, Moyer, Mullen, J. Murphey, M'Neil, Neill, N. Nicholson, T. Nicholson, Orr, Patrick, Purcell, Rawls, Rhodes, Richardson, Sasser, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. Smith, Speight, Stedman, Stockard, Taylor, Thompson, Wilder, Williams, Wilson, Wright, Wiseman, R. Wooten, C. Wooten, York—62 nays.

A message from the Senate, informing that they had passed the engrossed bill to prevent the falling of timber in, or obstructing the run of Rocky river, in a portion of the county of Chatham, with an amendment; in which they ask the concurrence of this House. The amendment was read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had rejected the engrossed bill amendatory of the laws relative to the pilotage at Occacock inlet.

The House then, on motion, adjourned until Monday morning, 10 o'clock.



MONDAY, DECEMBER 28, 1829.

Mr. King suggested that his vote on the second reading of the bill to increase the salary of the Public Treasurer had been improperly inserted on the journal in the affirmative; when in fact, he had voted in the negative, and moved that the journal be corrected in that respect. The question thereon was determined in the affirmative, and his vote being placed among the negative votes, produced an equal number on each side of the question. The Speaker in consequence, exercised his right of voting, and voted in the affirmative. The bill thereupon passed its second reading.

On motion of Mr. Stockard, ordered that Mr. Taylor have leave of absence from this House after this day, until Wednesday next.

On motion of Mr. Nash,

*Resolved*, That the Secretary of State, procure the same number of copies of the continued revision of the laws of this State, made by the late Chief Justice Taylor, for the use of the two Houses of this Legislature, the Clerks of the Superior and County Courts and other public officers, that were obtained of the revision of the laws published under the direction of the General Assembly, in the year 1820, and that he cause the same to be distributed in the same manner as directed by the act, passed for that purpose in the year 1821.

The said resolution was read the first time and passed.

Mr. Mhoon, from the committee of Propositions and Grievances, to whom was referred the resolution in favor of Leonard Hix, of Burke county, reported that the committee had considered the resolution, and directed him to report that no evidence was before the committee to induce a belief the prayer ought to be granted, and to ask that the committee be discharged from the further consideration of the subject. The question to concur with the report was determined in the affirmative.

Mr. Wyche, from the joint select committee, to whom was referred the report of the commissioners appointed by resolution of the last General Assembly to examine the accounts of the State against the United States, and all old standing accounts on the Comptroller's books, having heretofore reported on the Claims against the United States, reported that the committee had considered the second object of the reference, and instructed him to report a resolution on the subject, and to recommend its passage. The resolution was read, concurred in, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Mhoon,

*Resolved*, That the joint committee, raised for the purpose of considering the several petitions on the subject of lay days on the Salmon creek fisheries, be instructed to inquire into the expediency of so altering and amending the laws imposing lay days on the fisheries of Roanoke, Albemarle and their waters, as to make them uniform in their operation.

On motion of Mr. Gaston, ordered that the following message be sent to the Senate:

MR. SPEAKER—A bill has been transmitted to this House from the Senate, entitled a bill to establish a Bank on behalf of, and for the benefit of the State, in which the concurrence of this House is asked. On the inspection of the bill it appears that the said bill has not been perfected; for that in it several blanks are not filled up. The House of Commons believing that the bill has been prematurely transmitted, do respectfully return it to the Senate in order that it may there be perfected, and finally acted on before the concurrence of this House is required.

Mr. Pearson, with leave, presented a bill to amend an act, passed at the last session, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons; and the law in relation to the levying executions issued by justices of the peace; which was read the first time, passed, and referred to the committee on the Judiciary.



On motion of Mr. Smith, of Chatham, the House reconsidered the vote of the House on Saturday last, rejecting the engrossed bill to repeal part of an act, passed at the last session, chapter 74, entitled an act to compel the Clerks of the County and Superior Courts, and register of the county of Chatham to keep their respective offices at Pittsborough, in said county, and for other purposes. The bill was then put on its passage, and the question, shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be enrolled.

Mr. Monk, with leave, presented a bill to repeal part of an act, passed in 1828, entitled an act for the improving the navigation of creeks and rivers in the county of Sampson, and of Black river, so far as it is the dividing line between the counties of Sampson and Cumberland; and Mr. Hancock, a bill to compel the Clerks of the Superior and County Courts, the register and entry taker, of Moore county, to keep their respective offices at, or within a half mile of the court house of said county. These bills were read the first time and passed, and the latter, on motion, ordered to lie on the table.

On motion, ordered that a message be sent to the Senate, proposing that on Wednesday next, a balloting take place for a Board of Internal Improvement for the ensuing year, and informing that Joseph Dozier and James Morgan are in nomination for the appointments.

The bill to vest the right of electing sheriffs in the several counties within the State, in the free white men thereof, was read the third time. Mr. Hill, of Wilmington, moved to amend the bill by striking out the word "two" in the third line of the third section, and inserting the word "three," and by adding after the word "act" in the fifth section, the following words: "and the person who shall be declared to be elected and shall enter on the duties of his office, shall after the expiration of the said term of three years be ineligible to the office of sheriff, until one entire term of three years has expired." The question to concur with the amendment was determined in the negative—yeas 42, nays 86. The yeas and nays called for by Mr. Wilson, of Perquimons.

Those who voted in the affirmative, are Messrs. Barringer, Borden, Buie, Bynum, Calloway, Campbell, Chamblee, Chesson, Eccles, Gaston, Graham, Harper, Hargeton, J. A. Hill, Hough, W. Jones, Long, Mendenhall, Monk, Moore, M. P. Murphey, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, N. Nicholson, T. Nicholson, O'Brian, Pearson, Rhodes, Sawyer, Shipp, Simpson, Stanly, Swain, Webb, Wheeler, J. Wilson, C. Wooten, Wyche—42 yeas.

Those who voted in the negative, are Messrs. Alexander, Arrington, M. Baker, Z. Baker, Banner, Barnard, Bateman, Bethell, Blair, Bogle, Branch, Brooks, Brewer, Buttner, Byrum, Carson, Clark, Cooper, Cox, Cunningham, Davenport, D. Edmonston, Enloe, Farrier, Fisher, Gary, Gauze, Grandy, Green, Hancock, Hater, Hayley, Hellen, W. S. Hill, Horton, Jarvis, W. G. Jones, Jordan, Kerr, Kendall, King, Larkins, Lilly, Little, Loretz, Love, Melvin, Mhoon, Morris, Mullen, J. Murphey, Newland, Neill, Orr, Patrick, Polk, Purcell, Rawls, Russell, Sasser, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. Smith, N. G. Smith, Snyder, Speight, Stedman, Stockard, Stokes, Taylor, Thompson, Watts, S. Whitaker, J. Whitaker, White, Wilder, Williams, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, Wright, York—86 nays.

Mr. Murphey, of New Hanover, moved to amend the bill by adding an additional section: "Be it further enacted, that this act shall not be in force so far as regards the county of New Hanover." The question was determined in the negative. Mr. Carson moved to amend the bill by an additional section, between the second and third sections, in the following words: "Be it enacted, that in case of the failure of the persons appointed



to hold said election, or either of them, it shall be competent for a justice of the peace and two freeholders to supply the vacancy." The question thereon was determined in the affirmative. Mr. Hill, of Wilmington, moved to amend the fourth section, by adding after the word "bonds" the words "and take the oaths heretofore prescribed by law for the qualification of sheriffs." The question thereon was determined in the affirmative. On motion of Mr. Kendall, the fourth section was further amended, by adding after the word "annually" the following words: "and to produce the receipts from the Public Treasurer, county trustee and wardens of the poor for the time being, in full of all monies by him collected or which ought to have been by him collected for the use of the State and county, and for which he shall have become accountable;" and further, after the word "bonds" insert the words, "or exhibit the aforesaid receipts." On motion of Mr. Swain, the 8th section was amended by striking out the word "and," between the words "Superior and County" and inserting the word "or;" and further, by striking out the word "that" after the word "office." The 8th section of the bill was further amended, on the motion of Mr. Fisher, by adding after the word "now" the word "are." Mr. Eccles moved to amend the bill by striking out the word "white" in the title of the bill. The question thereon was determined in the negative—yeas 36, nays 93. The yeas and nays called for by Mr. Bynum.

Those who voted in the affirmative, are Messrs. Barringer, Borden, Bynum, Byrum, Chesson, Cox, Eccles, Enloe, Farrier, Gaston, Harper, J. A. Hill, Hough, W. G. Jones, Larkins, Long, Love, Mendenhall, Mhoon, Moye, P. Murphey, J. Murphey, M'Lean, M'Millan, Nash, T. Nicholson, Simpson, Sloan, Smallwood, Stanly, Swain, Webb, Wheeler, Williams, J. Wilson, C. Wooten—36 yeas.

Those who voted in the negative, are Messrs. Alexander, Arrington, M. Baker, Z. Baker, Banner, Barnard, Bateman, Bethell, Blair, Bogle, Branch, Brooks, Brown, Brower, Buie, Buttner, Calloway, Carson, Chamblee, Clark, Cooper, Cunningham, Davenport, Dozier, Edmonston, Fisher, Gary, Gause, Graham, Grandy, Green, Hancock, Hatch, Haughton, Hayley, Hellen, W. S. Hill, Horton, Jarvis, W. Jones, Jordan, Kerr, Kendall, King, Lilly, Little, Loretz, Melvin, Monk, Moore, Morris, Mullin, M'Gehee, M'Neill, Newland, Neill, N. Nicholson, O'Brian, Orr, Patrick, Pearson, Polk, Purcell, Rawls, Rhodes, Richardson, Russell, Sasser, Sawyer, Shipp, L. R. Simmons, B. T. Simmons, N. Smith, N. G. Smith, Snyder, Speight, Stedman, Stockard, Stokes, Taylor, Thompson, Watts, S. Whitaker, J. Whitaker, White, Wilder, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, Wright, Wyche, York—93 nays.

Mr. Sawyer moved to amend the bill by an additional section, "Be it further enacted, that this act shall not be in force nor take effect until from and after the first day of January, 1831." The question thereon was determined in the negative. The bill was then put on its passage, and the question, shall the said bill pass as amended? was determined in the affirmative—yeas 80, nays 49.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, Z. Baker, Banner, Barnard, Bethell, Blair, Bogle, Branch, Brooks, Brown, Brower, Buie, Buttner, Calloway, Carson, Cooper, Cunningham, Davenport, Dozier, Edmonston, Enloe, Fisher, Gary, Gause, Grandy, Hancock, Hellen, W. S. Hill, Horton, Jarvis, W. Jones, Jordan, Kerr, Kendall, King, Lilly, Loretz, Love, Melvin, Monk, Moore, Morris, Mullen, J. Murphey, M'Neill, Newland, Neill, N. Nicholson, Orr, Patrick, Purcell, Rawls, Richardson, Russell, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. Smith, N. G. Smith, Snyder, Speight, Stedman, Stockard, Stokes, Taylor, Thompson, Watts, S. Whitaker, J. Whitaker, White, Wilder, Williams, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, Wright, Wyche—80 yeas.

Those who voted in the negative, are Messrs. M. Baker, Barringer, Bateman, Borden, Bynum, Byrum, Chamblee, Chesson, Clark, Cox, Eccles, Farrier, Gaston, Graham, Green, Harper, Hatch, Haughton, Hayley, J. A. Hill, Hough, W. G. Jones, Larkins, Little, Long, Mendenhall, Mhoon, Moye, P. Murphey, M'Gehee, M'Lean, M'Millan, Nash, T. Nicholson, O'Brian, Pearson, Polk, Rhodes, Sasser, Sawyer, Shipp, Simpson, Stanly, Swain, Webb, Wheeler, J. Wilson, C. Wooten, Wyche—49 nays.



Ordered that the said bill be sent to the Senate, asking the concurrence of that House with the amendments.

The House then adjourned until 4 o'clock, P. M.

Received from the Senate the following resolution:

*Resolved*, That the members of this Legislature wear Crape on the left arm for the space of thirty days as a testimony of respect to the memory of Reuben Sanders, Esquire, late Senator from Johnston county.

The resolution was read, concurred in, and returned to the Senate.

The House then, on the motion of Mr. Fisher, adjourned until to-morrow morning 10 o'clock.

TUESDAY, DECEMBER 29, 1829.

A message from the Senate, informing that they have passed the engrossed resolution in favor of Presley C. Prerson; in which they ask the concurrence of this House. The said resolution was read the first time and passed.

A message from the Senate, informing of the concurrence of that House with the amendment made in the engrossed bill directing the removal of certain papers from the office of the Treasurer to that of the Secretary of State. On motion, ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the town of Washington; in which they ask the concurrence of this House. The said bill was read the first time and passed.

Received from his Excellency the Governor, by his Private Secretary Mr. Muse, the following communication:

*To the Honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—According to the provisions of an act of Assembly, I herewith transmit you a copy of the Report of the Treasurer of the Board of Trustees of the University, made to that board at their annual meeting on the 18th instant.

The account current of the Treasurer, exhibiting the receipts and disbursements at the Treasury for the year just closed, has been examined, and is found to be correctly stated, and sustained by regular and proper vouchers.

I have the honor to be, &c.

JNO OWEN.

*Executive Department, Dec. 26, 1829.*

On motion, ordered that the said communication be sent to the Senate by message, proposing that it be printed, with the report of the Treasurer of the board accompanying it, one copy for each member of the assembly.

The Speaker laid before the House the following message from the Public Treasurer:

In obedience to the resolution of the General Assembly of the 12th instant, I have the honor to transmit the enclosed statements received from the branches of the State Bank of North Carolina at Newbern, Fayetteville and Wilmington; the branch of Cape Fear, the Bank of Newbern and its branch at Halifax.

Respectfully your ob't serv't,

WILLIAM ROBARDS, Pub. Treas.

*Treasury Department, Dec 26, 1829.*

On motion, ordered that the said communication, with the exhibits from the several Banks, be sent to the Senate, proposing that the statements be printed, one copy for each member of the Assembly.

Mr. Wilson, of Caswell, from the select committee to whom was referred the engrossed bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825, reported the bill to the House with an amendment; which was read, concurred in, and the



bill, as amended, read the third time and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendment.

Mr. Mendenhall, from the committee of Claims, to whom was referred a resolution in favor of Edward Ward, of Onslow county, reported a resolution on the subject matter contained in said resolution, and recommended its passage. The resolution reported was read, concurred in and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, proposing to ballot immediately for colonel commandant and major of cavalry attached to the 11th brigade; and informing that William C. Meares, for colonel, and James Dunn, for major, are in nomination. The message was concurred in, and the Senate informed by message that Messrs. M'Lean and Kendall attend the Senate as a committee to superintend the balloting on the part of this House.

Received from the Senate the certificate of the Clerk of the County Court of Chowan county, in favor of Eleanor Truelove, allowing her a pension of ninety dollars for the present year, countersigned by the Speaker; which being read, was countersigned by the Speaker of this House and returned to the Senate.

A message from the Senate, proposing that a joint select committee, consisting of five members from each House, be raised to meet this day at 3 o'clock in conference hall, to ascertain the true construction of the first section of the joint rules of both Houses, so far as regards the application of the term *perfect* in that section; and informing that Messrs. Martin, Meares, Dick, Davidson and Mosely form the committee on their part.

A message from the Senate, informing that Messrs. M'Entire and M'Daniel attend this House as a committee on their part to conduct the balloting for cavalry officers attached to the 11th brigade.

On motion, ordered that the Senate be informed by message that Messrs. Swain, Bynum, Gary, Wyche and Carson form the select joint committee on the part of this House to meet in the conference hall this evening at 3 o'clock, to ascertain, as proposed by the Senate, the true construction of the first section of the joint rules of both Houses, so far as regards the application of the term *perfect* in that section.

On motion of Mr. Carson,

*Resolved*, That the Clerk of the House of Commons be, and he is hereby authorized to employ one other assistant reading clerk during the remainder of the session.

The Speaker laid before the House a communication from the Public Treasurer in the following words:

In obedience to the resolution of the 12th instant, I have the honor to transmit statements received from the branch of the State Bank of North Carolina at Tarborough, and the office of the Bank of Newbern at Milton.

On motion, ordered that the communication be sent to the Senate, proposing that the statements or exhibits be printed, one copy for each member of the Assembly.

Mr. Mendenhall, from the committee of Claims, to whom was referred the resolution in favor of David Marsburn, of Burke county, directing the Treasurer to refund to him the sum of five dollars and ten cents, being the purchase money for 110 acres of land, which had been previously granted, reported that the committee had the resolution under consideration, and directed him to return it to the House with a recommendation that it be rejected. The report was read and concurred in.



Mr. Nash, from the Judiciary committee, to whom was referred the bill making void certain conveyances therein named, reported that the committee, having duly considered the said bill, directed him to return it to the House without amendment, and to pray to be discharged from the further consideration thereof. The bill thereupon was read the second time and passed.

Mr. Nash, from the same committee, to whom was referred the bill prescribing the sum hereafter to be paid for retailing spiritous liquors, reported that the committee had considered the said bill, and directed him to return it to the House as not properly belonging to them, and to pray to be discharged from the further consideration thereof. The bill thereupon was read the second time, and, on the motion of Mr. Stedman, postponed indefinitely.

Mr. Nash, from the same committee, to whom was referred the bill to amend an act, passed 18 , entitled an act allowing further time for registering grants, proving deeds and registering mesne conveyances, powers of attorney, bills of sale and deeds of gift, &c. reported that the committee, according to order, had considered the said bill, and directed him to return it to the House, recommending that it be amended by striking out the whole except the words "A bill," and inserting an amendment, changing the title to read "to authorise the appointment of commissioners to take the probate of deeds and instruments of writing under seal, and for the purpose of granting further time for the registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift." The amendment was read, and, on motion, recommitted, with the bill, to the same committee.

Mr. O'Brian, from the select committee to whom was referred the resolution authorising the Governor of the State to loan, for the use of the military institution at Oxford, one hundred stand of arms, belonging to the State, &c. reported that the committee had duly considered the subject matter, and instructed him to report a resolution in pursuance thereto, and to recommend its passage. The resolution was read, and, on motion, ordered to be laid on the table.

Received from his Excellency the Governor, by his Private Secretary, the following communication:

*To the Honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—I have received from the State of Vermont, and herewith transmit you, a report and resolutions, adopted by that State, upon the resolutions of the Legislature of Massachusetts, heretofore communicated to you, recommending alterations in the Constitution of the United States; also a report and resolutions of the same State upon the resolutions of the Senate of South Carolina, Georgia, Virginia and Missouri, communicated to you at the commencement of the session, on the subject of the Tariff, the right of the general government to make appropriations for internal improvements, and for aiding the American Colonization Society.

I transmit you also the resignation of his seat on the bench of the Supreme Court of the Hon. John D. Toomer.

I have the honor to be, very respectfully, your obedient servant.

JNO. OWEN.

*Executive Department. Dec 29, 1829.*

On motion, ordered that the said communication, with the accompanying references, be sent to the Senate.

The resignation of John D. Toomer, Judge of the Supreme Court, was read and accepted.

The bill to enable the Public Treasurer to employ the service of additional clerks was read the third time, and, on the motion of Mr. Webb, amended, and the question, shall the said bill pass its third reading? was deter-



mined in the affirmative—yeas 65, nays 55. The yeas and nays called for by Mr. Edmonston.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, Z. Baker, Banner, Barnard, Barringer, Bateman, Bethell, Blair, Borden, Branch, Brown, Buttner, Campbell, Carson, Chamblee, Chesson, Cox, Eccles, Fisher, Gary, Gaston, Gause, Graham, Green, Hatch, Hayley, J. A. Hill, Hough, Kerr, Kendall, Larkins, Lilly, Long, Mebane, Mendenhall, Mhoon, Monk, P. Murphey, J. Murphey, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, Newland, N. Nicholson, O'Brian, Pearson, Polk, Purcell, Rhodes, Russell, Shipp, Simpson, Speight, Stokes, Swain, Watts, Webb, Wheeler, J. Whitaker, J. Wilson, A. W. Wooten, Wyche—65 yeas.

Those who voted in the negative, are Messrs. M. Baker, Bogle, Brooks, Brower, Buie, Bynum, Byrum, Clark, Cooper, Cunningham, Dozier, Edmonston, Enloe, Farrier, Grandy, Hancock, Harper, W. S. Hill, Horton, Jarvis, W. G. Jones, W. Jones, Jordan, King, Little, Loretz, Love, Melvin, Morr's, Moye, Mullen, Murchison, Neill, T. Nicholson, Patrick, Rawls, Richardson, Sasser, L. R. Simmons, B. T. Simmons, Smallwood, N. Smith, Snyder, Stedman, Stockard, Thompson, S. Whitaker, Wilder, Williams, T. Wilson, Wiseman, R. Wooten, C. Wooten, Wright, York—55 nays.

On motion, ordered that the said bill be engrossed, and sent to the Senate for concurrence.

The bill to authorise the building of a Penitentiary in this State, was read the second time, and, on motion, ordered to be laid on the table—yeas 101, nays 18. The yeas and nays called for by Mr. Calloway.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, M. Baker, Banner, Barnard, Barringer, Bateman, Bethell, Bogle, Branch, Brooks, Brown, Brower, Bynum, Byrum, Campbell, Carson, Chamblee, Chesson, Clark, Cooper, Cox, Cunningham, Davenport, Dozier, Eccles, Edmonston, Enloe, Farrier, Fisher, Gary, Gaston, Gause, Graham, Grandy, Green, Harper, Hatch, Hayley, J. A. Hill, W. S. Hill, Horton, Jarvis, W. G. Jones, Jordan, Kerr, King, Larkins, Little, Loretz, Melvin, Mhoon, Monk, Morris, Moye, Mullin, Murchison, P. Murphey, J. Murphey, M'Gehee, M'Millan, M'Neill, Nash, Newland, N. Nicholson, T. Nicholson, O'Brian, Orr, Patrick, Pearson, Polk, Purcell, Rawls, Rhodes, Richardson, Russell, Sasser, Sawyer, L. R. Simmons, B. T. Simmons, Smallwood, N. Smith, Snyder, Speight, Stedman, Stockard, Stokes, Thompson, Watts, Webb, Wheeler, J. Whitaker, White, Wilder, Williams, J. Wilson, T. Wilson, A. W. Wooten, Wright, Wyche, York—101 yeas.

Those who voted in the negative, are Messrs. Z. Baker, Blair, Buie, Buttner, Calloway, Hough, W. Jones, Lilly, Love, Mebane, Mendenhall, Moore, Shipp, Simpson, N. G. Smith, Swain, S. Whitaker, Wiseman—18 nays

The House then, on motion, adjourned until 4 o'clock, P. M.

The resolution in favor of Presley C. Person; and the resolution for the Governor's garden, were read the second time and passed.

The engrossed bill for the better regulation of the town of Washington, was read the second and third times, passed, and ordered to be enrolled.

The bill to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay off a turnpike road from the Lincoln line to James Loving's, passing through the several gaps of the South mountains, and for other purposes; also the bill to authorise the appointment of commissioners to run and mark the dividing line between the counties of Haywood and Buncombe; also the bill to exempt the members of the several fire companies in the State from mustering, and for other purposes; also the bill amendatory of the laws now in force for the suppression of counterfeiting, were severally read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for lieutenant colonel of cavalry attached to the 11th brigade, and informing that Robert J. Kirkpatrick and William Greer are in nomination for the appointment.



The bill directing the Governor to convey certain lands to the county of Macon, and to establish Washington Academy, was read, and, on motion, ordered to be laid on the table.

A message from the Senate, informing of the concurrence of that House with the amendments made in the engrossed bill directing the removal of certain papers from the office of the Treasurer to that of the Secretary of State. Ordered that the said bill be enrolled.

The engrossed resolution concerning the settlement of the sheriff of Macon county, was read the third time, passed and ordered to be enrolled.

Mr. Mhoon, with leave, presented a bill authorising the sheriff of Bertie county to collect the arrearages of taxes due for the years 1826 and 1827; which was read, and, on motion of Mr. Mhoon, referred to the committee on the Judiciary.

Mr. Kendall, from the committee appointed to conduct the balloting for cavalry officers attached to the 11th brigade, reported that the committee had performed that duty, and that it appeared, on examining the ballots, William C. Meares, as colonel, and James Dunn, as major, had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The Clerk of the House reported that, in obedience to the resolution directing him to employ an additional reading clerk, he had employed George W. Haywood. The report was read and concurred in.

The bill to amend an act, passed in the year 1828, entitled an act concerning the poor of Moore county, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Stokes gave notice that he should, on to-morrow, move to rescind part of the 18th rule for the government of the House, for the remainder of the session.

On motion, the House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 30, 1829.

On motion of Mr. Whitaker, of Macon, the House reconsidered the vote given last evening on the resolution concerning the settlement of the sheriff of Macon county. On motion, ordered that the said resolution be laid on the table.

Mr. Swain, from the select joint committee raised under a resolution of the Legislature, to ascertain the true construction of the first section of the Joint Rules of both Houses, so far as regards the application of the term *perfect* in that section, reported that the committee had attentively considered the subject, and directed him to report, in their opinion, the word *perfect*, as used in the section of the Joint Rules referred to, means that a bill should be so complete as to require nothing more to be done by the other branch of the Legislature than a concurrence in the passage thereof, to render it a law complete in all its parts. The report being read, Mr. Wilson, of Caswell, offered the following resolution:

*Resolved*, That, in the opinion of this House, the construction given by the joint select committee to the word *perfect*, as used in the first article of the Joint Rules of both Houses, is correct.

On motion of Mr. Gaston, the report and the resolution were ordered to be laid on the table.

The resolution directing the Secretary of State to procure a certain number of copies of the continued revisal of the laws of this State, made by the



late Chief Justice Taylor, for the use of the State, was read the second time, amended and passed.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, to wit: A bill concerning the Washington toll bridge; a bill authorising Alexander Murchison, William Murchison and Duncan Murchison to erect a bridge across Lower Little river, in Cumberland county; a bill vesting certain powers in the County Court of Pleas and Quarter Sessions of Edgecomb county; and the resolution in favor of Ransom Hinton, asking the concurrence of this House.

The engrossed bill concerning the Washington toll bridge, was read, and, on motion, ordered to be laid on the table.

The engrossed bill authorising Alexander Murchison, William Murchison and Duncan Murchison to erect a bridge across Lower Little river, in Cumberland county; and the engrossed resolution in favor of Ransom Hinton, were read the first time and passed.

Mr. Cox, from the committee to whom was referred the petition of sundry citizens of the county of Jones, praying for the passage of more effectual laws for the apprehension of runaway negroes in said county, reported that the committee had considered the subject, and directed him to report a bill more effectually to prevent depredations by runaway negroes in the county, and to recommend its passage. The bill was read the first time and rejected.

A message from the Senate, informing that they concur in the several amendments made in the engrossed bill to vest the right of electing sheriffs in the several counties in this State in the free white men thereof. Ordered that the said bill be enrolled.

A message from the Senate, informing that they do not concur in the amendments made by this House in the engrossed bill to authorise the forming a fire engine company in the town of Elizabeth City. On motion, ordered that the Senate be informed by message that this House recedes from the first amendment in said bill, and that it adheres to the second.

The engrossed bill, vesting certain powers in the Court of Pleas and Quarter Sessions of Edgecomb county, was read the first time and passed.

A message from the Senate, consenting that the report of the Treasurer of the Board of Trustees, together with the message of the Governor accompanying it, be printed as proposed by this House.

The House then, on motion, adjourned until half past 3 o'clock, P. M.

A message from the Senate, informing that they had passed the engrossed bill concerning the elections in the counties of Davidson and Mecklenburg, with amendments; in which they ask the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.

Mr. T. Wilson presented the following resolution:

*Resolved*, That there shall be no more bills of a private nature handed in by the members of this House after this day.

The resolution was read, and, on motion, rejected.

On motion of Mr. T. Wilson.

*Resolved*, That a message be sent to the Senate, proposing that the two Houses of the General Assembly adjourn sine die on Tuesday, the 3d January ensuing.

On motion, ordered that the said resolution be laid on the table.

The resolution concerning the claim of North Carolina against the United States, was read the second time and passed.



**On motion of Mr. M'Lean.**

*Resolved*, That the Secretary of State be, and he is hereby authorised and required to issue a grant to George Miller for eight acres of land in the county of Cabarrus, agreeably to a survey made of said land by Jacob Williams, surveyor for said county, and stated in said survey as No 1426: Provided, however, this resolution have effect only after payment of the purchase money for the same to the Public Treasurer.

The resolution was read, concurred in, and ordered to be engrossed and sent to the Senate for concurrence.

On motion, ordered that Mr. Branch have leave to withdraw from the files the presentments of the grand juries, accompanying the bill for the purpose of altering the times of holding the Courts of Law and Equity in the 3d judicial circuit.

**On motion of Mr. Murchison.**

*Resolved*, That the Public Treasurer pay to Peter Saintclair six dollars, it being in full of the purchase money for 60 acres of land by him entered in the county of Moore; and that he be allowed the same in the settlement of his accounts.

The resolution was read the first time and passed.

The engrossed bill authorising Alexander Murchison, William Murchison and Duncan Murchison to erect a bridge across Lower Little river in Cumberland county, was read the second and third times, passed and ordered to be enrolled.

The bill to repeal part of an act, passed in 1828, entitled an act for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, so far as it is the dividing line between the counties of Sampson and Cumberland, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Stokes, in pursuance to his notification, now moved that the House do rescind the latter part of the 18th rule in the words "and no bill, petition or other papers that may be addressed to the House, shall be taken out of the House until the time shall have elapsed for consideration" The question to concur with the motion was determined in the affirmative.

Mr. Moore, with leave, presented a bill to authorise James Spencer, of the county of Surry, to erect a gate across the road leading from Samuel Johnston's to the Blue Ridge; which was read the first time and passed.

On motion, ordered that the bill to amend the law regulating the inspection of flour in the town of Fayetteville; and also the bill to authorise the payment of the purchase money on entries of land made in the year 1827 be laid on the table.

**Mr. Whitaker, of Macon, presented the following resolution:**

Whereas it appears from the books of the Treasury Office, and from the account of sales of the lands lately acquired by treaty from the Cherokee Indians, as made by the commissioners on behalf of the State, that James Bryson purchased a tract of land in section forty-seven, and district eleven, containing eighty-seven acres, at the price of \$221: according to the terms of the sale the bonds were given in one, two, three and four instalments: the first instalment was one eighth, paid to the commissioners, and a note to be taken for the other eighth; and for the remaining three fourths bonds ought to have been taken in two, three and four years after the date. The sale was made the 31st of October, 1822. The commissioners, according to the books, have taken two bonds, payable in one year; one for the one eighth, the other for the one fourth, whereas it ought to have been taken for fifty five dollars, twenty five cents, payable in four years from the said date:

*Be it therefore resolved*, That the Public Treasurer be directed to alter the year from one to four; and that the interest be calculated on the bond accordingly, and the books of the Treasury Office cancelled accordingly.

The said resolution was read, and, on motion, referred to the committee of Claims.

The bill for the improvement of the road from the Old Fort, in Burke, to



Ashville, in Buncombe county, was read the third time and amended, and passed—yeas 68, nays 51. The yeas and nays called for by Mr. Farrier.

Those who voted in the affirmative, are Messrs. Alexander, Z. Baker, Banner, Barringer, Bateman, Bethell, Bogle, Borden, Branch, Brooks, Brower, Buie, Buttner, Bynum, Calloway, Campbell, Carson, Chesson, Cunningham, Edmonston, Enloe, Gaston, Houghton, Hayley, J. A. Hill, W. S. Hill, Horton, Hough, W. Jones, Kerr, Kendall, King, Long, Loretz, Love, Mendenhall, Mhoon, Moore, Morris, Murchison, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, Newland, Neill, N. Nicholson, O'Brian, Orr, Pearson, Polk, Purcell, Russell, Shipp, Simpson, N. G. Smith, Stanly, Stockard, Stokes, Swain, Webb, Wheeler, J. Whitaker, J. Wilson, Wiseman, R. Wooten, Wyche—68 yeas.

Those who voted in the negative, are Messrs. Arrington, M. Baker, Barnard, Blair, Brown, Byrum, Chamblee, Clark, Cooper, Cox, Davenport, Dozier, Farrier, Gary, Ganze, Graudy, Green, Harper, W. G. Jones, Jordan, Larkins, Little, Mebane, Melvin, Monk, Moye, Mullen, P. Murphey, J. Murphey, T. Nicholson, Rawls, Rhodes, Richardson, Sasser, Sawyer, L. R. Simmons, B. T. Simmons, Smallwood, Speight, Stedman, Taylor, Thompson, Watts, White, Wilder, Williams, T. Wilson, A. W. Wooten, C. Wooten, Wright, York—51 nays.

The House then, on the motion of Mr. O'Brian, adjourned until to-morrow morning, 9 o'clock.

#### THURSDAY, DECEMBER 31, 1829.

The following bills, with leave, were presented, to wit: By Mr. Alexander, a bill to amend an act, entitled an act to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties; by Mr. Wheeler, a bill for the better regulation of the town of Murfreesborough, in the county of Hertford. These bills were read the first time and passed.

Mr. Horton presented the petition of George Dyer, of Wilkes county, praying to be authorised, for reasons stated in his petition, to peddle goods free of the tax imposed on pedlars. On motion, the petition was referred to the committee of Propositions and Grievances.

Mr. Hill, of Wilmington, from the committee on Internal Improvement, to whom was referred a bill to improve the navigation of Trent river, above the town of Trenton, reported that the committee do not deem it expedient to make an appropriation for the purpose, in the present condition of the fund for internal improvement.

Mr. Hill, from the same committee, to whom was referred the bill to provide for the draining Mattamuskeet lake, reported that in the opinion of the committee the condition of the fund for internal improvement will not justify an appropriation of money commensurate with the object of the bill, and therefore pray to be discharged from the further consideration of the bill.

Mr. Hill, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of promoting the object of an act, passed 1826, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee River Turnpike Road, by an increase of the stock, or by a further subscription for the stock of said company, reported that the committee had considered both subjects of reference, and as no information was laid before them as to the merits of either, or to report the facts to the House, the committee therefore pray to be discharged from the further consideration of the resolution.

The questions to concur with the several reports were determined in the affirmative.

On motion of Mr. Gaston,

*Resolved*, That William R Hill be appointed Librarian for the ensuing year, and that he receive a compensation of one hundred dollars per annum for his services.

Which was read the first time and passed.



Mr. Nash, from the select joint committee, to whom was referred the resolution directing them to inquire into the large grants of land lying in the western part of the State, reported that the committee had investigated the matter, and directed him to report a resolution on the subject, and to recommend its passage. The resolution was read the first time and passed.

A message from the Senate, consenting to ballot immediately for lieutenant colonel of cavalry attached to the 11th brigade, and informing that Messrs. Williams of Martin and Dickinson attend this House as superintendents of the balloting on their part. On motion, ordered that the Senate be informed by message that Messrs. Barringer and Alexander attend the Senate as superintendents of the balloting on the part of this House.

#### A message from the Senate:

It is the opinion of the Senate that blanks in a bill do not render it imperfect within the spirit and meaning of the first Joint Rule for the government of the two Houses. For this reason the Senate beg leave respectfully to return to the House of Commons the bill to establish a Bank on behalf of, and for the benefit of the State.

The message being read, Mr. Gaston moved that the following message be sent to the Senate:

MR. SPEAKER—The House of Commons cannot but regret that a difference of opinion should exist between the two Houses, on the construction of the first part of the Joint Rules of Order, and in its application to the bill which has been a second time transmitted by the Senate, entitled “a bill to establish a Bank in behalf of, and for the benefit of the State.” While this House will always take pleasure in yielding to every expression of opinion on the part of the Senate the most respectful consideration, yet, as one of the parties to the compact by which the Joint Rules were formed, it cannot forego its claim to an equal share in the privilege of expounding them. Upon a deliberate re-examination, this House adheres to the opinion which it has heretofore expressed. By the first of the Joint Rules it is agreed that “each House shall perfect and finally act on all bills before they shall be communicated to the other for concurrence.” The House of Commons cannot regard a bill as “perfected,” which contains enactments that the President of a corporation thereby created, shall be allowed an annual compensation of       dollars; the Cashier       dollars, and each Director       dollars for their respective services. The House of Commons is therefore compelled again to return the bill to the Senate, and to declare explicitly, but respectfully, its determination not to act on the bill in its present unfinished state.

The question, shall the said message be sent the Senate? was determined in the affirmative—yeas 67 nays 61. The yeas and nays called for by Mr. Nicholson. of Richmond.

Those who voted in the affirmative, are Messrs. M. Baker, Banner, Barringer, Borden, Branch, Buie, Buttner, Bynum, Calloway, Campbell, Chamblee, Chesson, Clark, Cunningham, Gaston, Gauze, Graham, Green, Harper, Haughton, Hayley, Hellen, J. A. Hill, Hough, Jarvis, W. G. Jones, W. Jones, King, Larkins, Long, Loretz, Mebane, Mendenhall, Mhoon, Moore, Moye, P. Murphey, M’Gehee, M’Lean, M’Millan, M’Neill, Nash, O’Brian, Patrick, Pearson, Polk, Rhodes, Russell, Sasser, Shipp, Simpson, Smallwood, N. G. Smith, Speight, Stanly, Swain, Watts, Webb, Wheeler, S. Whitaker, White, Wilder, J. Wilson, R. Wooten, A. W. Wooten, C. Wooten, Wyche—67 yeas.

Those who voted in the negative, are Messrs. Arrington, Z. Baker, Barnard, Bate-man, Bethell, Blair, Bogle, Brooks, Brown, Brower, Byrum, Cooper, Cox, Davenport, Dozier, Eccles, Edmonston, Enloe, Farrier, Fisher, Gary, Grandy Hancock, Hatch, W. S. Hill, Horton, Jordan, Kerr, Kendall, Lilly, Little, Love, Melvin, Monk, Morris, Mullen, Murchison, J. Murphey, Newland, Neill, N. Nicholson, T. Nicholson, Orr, Purcell, Rawls, Richardson, Sawyer, L. R. Simmons, B. T. Simmons, Snyder, Stedman, Stockard Stokes, Taylor, Thompson, J. Whitaker, Williams, T. Wilson, Wiseman, Wright, York—61 nays.

Mr. Banner, from the committee appointed to conduct the balloting for lieutenant colonel of cavalry attached to the 11th brigade, reported that the committee had performed that duty, and that on examining the ballots,



it appeared William Greer had a majority of the whole number, and was duly elected. The report was concurred in.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for artillery officers, and informing that Samuel T. Hawley, as colonel, Jesse Birdsall, as lieutenant colonel, and William Brown, as major, are in nomination.

A message from the Senate, proposing to ballot immediately for a Board of Internal Improvement for the ensuing year. The message was concurred in and the Senate informed by message that Mr. Hill, of Wilmington, and Mr. O'Brian form the committee to superintend the balloting on the part of this House, and that the names of Cadwallader Jones and David L. Swain are added to the nomination. A message from the Senate, informing that Messrs. Mendenhall and Mosely attend this House as a committee on their part to conduct the balloting for a Board of Internal Improvement; and that the name of Andrew Joiner is added to the nomination.

The resolution concerning the claim of North Carolina against the United States, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to amend an act, passed in the year 1826, entitled an act concerning the entry of land in this State, was read the second time and passed.

The resolution to authorise the making a map of the State of North Carolina, was read the second time and rejected.

Mr. Swain, from the committee on Education, to whom was referred the memorial of the trustees of the Edenton Academy, reported unfavorably to the prayer of the memorialists, and asked to be discharged from the further consideration of the subject. The question to concur with the report was determined in the affirmative.

Mr. Long presented the petition of sundry citizens of the town of Halifax, praying that the commissioners of said town be authorised by law to sell certain lands described in their petition. On motion, ordered that said petition be referred to Messrs. Long, Bynum and T. Nicholson.

Mr. O'Brien, from the committee appointed to superintend the balloting for a board of Internal Improvement, reported that, on examining the ballots, it appeared Cadwallader Jones and David L. Swain had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The bill to ascertain and define the liabilities of securities on successive guardian bonds, was read the second time. Mr. Wyche moved that the bill be recommitted to the same committee, with instructions so to modify the bill as to compel the ward in the first instance to have recourse to the sureties to the last bond, then to the sureties to the next, and so on through the whole. The question thereon was determined in the negative. The bill was then put on its passage, and the question, shall the said bill pass? was determined in the negative.

Mr. Pearson, with leave, presented a bill to establish a bank on behalf of, and for the benefit of the State; which was read the first time, passed, and, on motion, made the order of the day for to-morrow.

The House then, on motion, adjourned until 4 o'clock, P. M.

A message from the Senate, informing of the concurrence of that House with the amendments made in the engrossed bill to provide for the perma-



ment establishment of a public road from Lincolnton to Rutherfordton: Ordered that the said bill be enrolled.

A message from the Senate, informing that they concur with the amendments made in the engrossed bill to authorise Andrew Welch and William Thomas, of the county of Macon, to erect certain gates therein mentioned. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to alter the times of holding the elections in the sixth Congressional District with an amendment. The amendment was read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, in which they ask the concurrence of this House, to wit: A bill to divide the regiment of militia in Macon county; a bill to compel the register and clerk and master in equity in the county of Caswell to keep their offices at the court house of said county; a bill for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes; and a resolution in favor of Isaiah Rogerson, sheriff of Perquimons county.

The engrossed bill to compel the register and clerk and master in equity in the county of Caswell to keep their offices at the court house of said county, was read the first time and rejected.

The engrossed bill to divide the regiment of militia in Macon county; and the engrossed resolution in favor of Isaiah Rogerson, sheriff of Perquimons county, were read the first time and passed.

A message from the Senate, proposing to refer the bill to alter the times of holding the Superior Courts of Law and Equity in the third judicial circuit to the members from the counties composing said judicial circuit. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to repeal an act, passed in 1820, appointing commissioners on the road from Watauga, in Ashe county, to the head of John's river, in Burke county, with several amendments; in which they ask the concurrence of this House. The message was read, and, on motion, ordered to be laid on the table.

The resolution in favor of Ransom Hinton, was read the second time and passed; and the resolution in favor of Peter Saintclair, was read the second time and rejected.

Mr. Long, from the committee to whom was referred the petition of sundry citizens of the town of Halifax, reported that the committee had considered the petition, and directed him to report a bill to carry into effect its object, entitled a bill concerning the sale of certain lands in the town of Halifax, and to recommend its passage. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Gaston, ordered that the following message be sent to the Senate:

MR. SPEAKER,—A bill has been transmitted to this House from the Senate, entitled a bill for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes; in which the concurrence of this House is asked. On the inspection of the bill, it appears that the said bill has not been perfected; for that in it a blank is not filled up. The House of Commons believing that the bill has been prematurely transmitted, do respectfully return it to the Senate, in order that it may be there perfected and finally acted on, before the concurrence of this House is required.

The engrossed resolution in favor of Presley C. Person, was read the third



time, amended and passed. On motion, ordered that the said resolution be sent to the Senate, asking the concurrence of that House with the amendment.

The bill to authorise James Spencer, of the county of Surry, to erect a gate across the road leading from Samuel Johnson's to the Blue Ridge, was read the second time and rejected.

The bill to amend the militia laws of this State, so far as respects the uniform companies of light infantry, riflemen, grenadiers and artillery, was read the third time and passed. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to amend an act, entitled an act to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties; also the bill for the better regulation of the town of Murfreesborough, in the county of Hertford, were read the second and third times, passed and ordered to be engrossed and sent to the Senate for concurrence.

The resolution respecting the Governor's garden, was read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

On motion, ordered that Mr. Cox have leave to withdraw from the files the memorial asking an appropriation of money for the purpose of improving Trent river above the town of Trenton, and a petition on the subject of runaway negroes.

The bill making void certain conveyances therein mentioned, was read, and, on motion, ordered to be laid on the table.

A message from the Senate, proposing to ballot immediately for a member of the Board of Internal Improvement; and informing that the name of Thomas Cox is added to the nomination. The message was concurred in, and the Senate informed by message that Messrs. Graham and Blair attend the Senate as superintendents of the balloting on the part of this House.

The engrossed bill vesting certain powers in the Court of Pleas and Quarter Sessions for Edgecomb county, was read the second time, amended and rejected—yeas 56, nays 62. The yeas and nays called for by Mr. A. W. Wooten.

Those who voted in the affirmative, are Messrs. Arrington, M. Baker, Barnard, Bateman, Blair, Brown, Calloway, Chamblee, Clark, Cooper, Cox, Davenport, Dozier, Edmonston, Fisher, Grandy, Hatch, Hayley, Hellen, W. S. Hill, Horton, W. Jones, Jordan, Lilly, Little, Long, Mebane, Melvin, Mendenhall, Mhoon, Morris, Moye, Mullen, Neill, T. Nicholson, Purcell, Rawls, Rhodes, L. R. Simmons, B. T. Simmons, Smallwood, Speight, Stanly Stedman, Stockard, Stokes, Thompson, Watts, Wheeler, White, T. Wilson, Wiseman, R. Wooten, C. Wooten, Wright, York—56 yeas.

Those who voted in the negative, are Messrs. Banner, Barringer, Bethell, Bogle, Branch, Brooks, Brower, Buie, Buttner, Bynum, Byrum, Carson, Chesson, Cunningham, Eccles, Enloe, Farrier, Gary, Gaston, Gauze, Graham, Green, Harper, Haughton, J. A. Hill, Hough, W. G. Jones, Kerr, Kendall, King, Larkins, Loretz, Moore, Murchison, P. Murphey, J. Murphey, M'Gehee, M'Millan, Nash, Newland, N. Nicholson, O'Brian, Orr, Pearson, Polk, Richardson, Russell, Sawyer, Shipp, Simpson, N. G. Smith, Snyder, Swain, Taylor, Webb, S. Whitaker, J. Whitaker, Wiuder, Williams, J. Wilson, A. W. Wooten, Wyche—62 nays.

A message from the Senate, informing that Messrs. Marshall and Bell attend this House as superintendents of the balloting for a member of the Board of Internal Improvement, on their part.

The House then, on motion, adjourned until to-morrow morning, 9 o'clock.



FRIDAY, JANUARY 1, 1850.

Mr. Hancock, with leave, presented a bill to authorise the justices of Moore county to compensate the clerk of the county and sheriff for their extra services; which was read the first time and passed.

The resolution for the Secretary of State, was read the third time, passed and ordered to be engrossed; and sent to the Senate for concurrence.

The bill to amend an act, passed in the year 1826, entitled an act concerning the entry of land in this State, was read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Blair, from the committee appointed to superintend the balloting for a member of the Board of Internal Improvement, reported that, on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Gaston, the House reconsidered the vote rejecting the bill vesting certain powers in the Court of Pleas and Quarter Sessions for Edgecomb county. The bill thereupon was read the second time. Mr. Garry moved to amend it, by adding a section in the following words: "Be it further enacted, that the Court of Pleas and Quarter Sessions for the county of Gates, a majority of the acting justices being present, shall have full power and authority to remit all or any part of a fine of two hundred dollars, imposed on Clement Hill by the Superior Court of Law for said county at the fall term of 1828 of said Superior Court; and if all or any part of said fine shall have been paid, the justices of said county, a majority being present, may direct the county trustee, or other officer in whose hands the said fine, or any part thereof, may be, to return the same to the said Clement Hill or his order." The question thereon was determined in the negative—yeas 40 nays 78. The yeas and nays called for by Mr. Stedman.

Those who voted in the affirmative, are Messrs M. Baker, Borden, Buie, Campbell, Carson, Chamblee, Clark, Cooper, Cox, Cunningham, Edmonston, Enloe, Farrier, Garry, Gaston, Hellen, Hough, W. G. Jones, W. Jones, Jordan, Little, Mebane, Moyer, M'Lean, M'Neil, Newland, Neill, Orr, Pearson, Russell, Sasser, Sawyer, Simpson, Stokes, Watts, J. Whitaker, White, J. Wilson, Wiseman, York—40 yeas.

Those who voted in the negative, are Messrs. Alexander, Z. Baker, Banner, Barnard, Barringer, Bateman, Bethell, Blair, Bogle, Branch, Brooks, Brown, Brower, Buttner, Byrum, Calloway, Chesson, Davenport, Dozier, Eccles, Fisher, Grady, Hancock, Harper, Hatch, Haughton, Hayley, W. S. Hill, Jarvis, Keir, Kendall, King, Larkins, Lilly, Long, Loretz, Love, Melvin, Mendenhall, Mhoon, Monk, Moore, Morris, Mullin, Murchison, P. Murphey, J. Murphey, M'Gehee, M'Millan, Nash, N. Nicholson, T. Nicholson, O'Brian, Patrick, Polk Purcell, Rawls, Richardson, Shipp, L. R. Simmons, B. T. Simmons, Smallwood, N. G. Smith, Sawyer, Speight, Stedman, Stockard, Taylor, Webb, Wheeler, S. Whitaker, Wilder, Williams, T. Wilson, R. Wooten, A. W. Wooten, C. Wooten, Wyche—78 nays.

Mr. Barringer moved that the said bill be postponed indefinitely. The question thereon was determined in the affirmative.

The bill giving time to the Banks of Cape Fear and Newbern to close their business, and to pay and collect their debts, was read the second time. Mr. Pearson moved to amend the fourth section of the bill, by striking out the whole, and inserting the following amendment, to wit: "As not to require on the renewal of any debt contracted by loan or discount, now existing and to become payable hereafter, a greater instalment every ninety days than the one twentieth part of the present amount of the debt: Provided always that the said instalment be punctually paid as it becomes due; and that the board of directors shall always judge of the sufficiency of the security offered; and provided also that this section shall not apply to any debt which has been



contracted under an engagement to be paid more speedily and by large instalments. Be it further enacted, that hereafter it shall be lawful for the President and directors of each of said banks to receive stock of their respective banks in payment of debts, at a reasonable value, to be fixed upon by the stockholders, and to be approved of by the Public Treasurer; and the stock so received shall be considered as extinguished and forming no part of the capital. And be it further enacted, that after the first of January, 1833, the stockholders of each of said banks may declare dividends of the capital as the same shall accumulate: Provided, the capital shall not be reduced to less than the amount of debts due from the banks." The question thereon was determined in the affirmative. Mr. Webb moved to amend the bill by inserting an additional section in the following words: "Be it further enacted, that if the president and directors of either of the said banks, or any of their branches, shall fail or refuse to redeem their notes, when presented, with gold or silver, and the same shall be protested by a notary public for non-payment, such note or notes shall bear interest at the rate of twelve per centum per annum, until paid." The question thereon was determined in the negative. Mr. Wyche moved to amend the first section by striking out the figures 1833 and inserting 1840. A division of the question was called for, and the question will the House strike out? was determined in the negative—yeas 58, nays 67. The yeas and nays called for by Mr. Carson.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, Z. Baker, Banner, Barnard, Barringer, Blair, Bogle, Borden, Branch, Buie, Buttner, Campbell, Cox, Cunningham, Eccles, Enloe, Fisher, Gaston, Graham, Green, Hatch, Haughton, J. A. Hill, Hough, Jarvis, W. G. Jones, King, Larkins, Lilly, Love, Mebane, Moore, Moyer, P. Murphey, M'Millan, M'Neill, Nash, Newland, O'Brian, Patrick, Pearson, Polk, Russell, Sawyer, Shipp, L. R. Simmons, Smallwood, Stanly, Swain, Thompson, J. Whitaker, White, Williams, R. Wooten, A. W. Wooten, C. Wooten, Wyche—58 yeas.

Those who voted in the negative, are Messrs. M. Baker, Bateman, Bethell, Brooks, Brown, Brower, Bynum, Byrum, Calloway, Carson, Chamblee, Chesson, Clark, Cooper, Davenport, Dozier, Edmonston, Farrier, Gary, Grandy, Harper, Hayley, W. S. Hill, Horton, W. Jones, Jordan, Kerr, Kendall, Little, Loretz, Melvin, Mendenhall, Monk, Morris, Mullen, Murchison, J. Murphey, M'Gehee, M'Lean, Neill, N. Nicholson, T. Nicholson, Orr, Purcell, Rawls, Rhodes, Richardson, Sasser, Simpson, B. T. Simmons, N. G. Smith, Snyder, Speight, Stedman, Stockard, Stokes, Taylor, Watts, Webb, Wheeler, S. Whitaker, Wilder, J. Wilson, T. Wilson, Wiseman, Wright, York—67 nays.

The bill was then put on its passage, and the question shall the said bill, as amended, pass its second reading? was determined in the affirmative—yeas 90, nays 37. The yeas and nays called for by Mr. Brooks.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, Z. Baker, Banner, Barringer, Bogle, Borden, Branch, Brown, Buie, Buttner, Bynum, Calloway, Campbell, Clark, Cox, Cunningham, Eccles, Edmonston, Enloe, Fisher, Gary, Gaston, Graham, Green, Harper, Hatch, Haughton, Hayley, J. A. Hill, Hough, Jarvis, W. G. Jones, W. Jones, Kerr, Kendall, King, Larkins, Lilly, Long, Loretz, Love, Mebane, Mendenhall, Monk, Moore, Morris, Moyer, P. Murphey, J. Murphey, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, Newland, Neill, N. Nicholson, T. Nicholson, O'Brian, Patrick, Pearson, Polk, Purcell, Rhodes, Russell, Sasser, Sawyer, Shipp, Simpson, L. R. Simmons, Smallwood, Snyder, Speight, Stanly, Stokes, Swain, Watts, S. Whitaker, J. Whitaker, White, Williams, J. Wilson, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wright, Wyche, York—90 yeas.

Those who voted in the negative, are Messrs. M. Baker, Barnard, Bateman, Bethell, Blair, Brooks, Brower, Byrum, Carson, Chamblee, Chesson, Cooper, Davenport, Dozier, Farrier, Grandy, Hancock, W. S. Hill, Horton, Jordan, Little, Melvin, Mullin, Murchison, Orr, Rawls, Richardson, B. T. Simmons, N. G. Smith, Stedman, Stockard, Taylor, Thompson, Webb, Wheeler, Wilder, T. Wilson—37 nays.

A message from the Senate, informing that they had postponed indefinitely the following engrossed bills, to wit: a bill concerning the working out



roads in the county of Lincoln; a bill concerning a troop of cavalry in Burke, Wilkes and Iredell; a bill to repeal part of an act, passed in 1828, entitled an act for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, so far as it is the dividing line between the counties of Sampson and Cumberland; and a bill to authorise the Courts of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay off a turnpike road from the Lincoln line to James Loving's, passing through the Laurel Gap of the South Mountains, and for other purposes; and that the Senate had passed the following engrossed bills, to wit: a bill more effectually to prevent depredations of runaway slaves and to encourage their apprehension, in the counties of Lenoir, Wayne, Craven, Onslow, New Hanover, Washington, Buncombe, Jones, Pitt, Beaufort and Greene; a bill to amend an act, passed 1828, entitled an act supplemental to an act erecting the county of Macon; a bill to authorise and direct the Supreme Court to be holden in the several places therein directed; the engrossed resolution in favor of Alexander Nicholson; and the engrossed resolution in favor of John Black, sheriff of Cumberland; in which they ask the concurrence of this House.

The House then adjourned until 4 o'clock, P. M.

The engrossed bill more effectually to prevent depredations of runaway slaves, and to encourage their apprehension in the counties of Lenoir, Wayne, Craven, Onslow, New Hanover, Washington, Buncombe, Jones, Pitt, Beaufort and Greene, was read the first time, and referred to one member of each of the counties mentioned in said bill.

The engrossed bill to amend an act, passed 1828, entitled an act supplemental to an act erecting the county of Macon; also the engrossed bill to authorise and direct the Supreme Court to be holden in the several places therein directed, were read the first time and passed, and the latter made the order of the day for to-morrow.

The engrossed resolution in favor of Alexander Nicholson; also the engrossed resolution in favor of John Black, sheriff of Cumberland, were read the first time and passed.

A message from the Senate, informing that they had reconsidered the bill, entitled a bill to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to run and lay off a turnpike road from the Lincoln line to James Loving's, passing through the Laurel Gap of the South Mountains, and for other purposes.

A message from the Senate, informing that they had passed the engrossed bill to authorise the Court of Pleas and Quarter Sessions of New Hanover to appoint a committee of Finance, with several amendments, and asking the concurrence of this House. The amendments were read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill concerning the Buncombe Turnpike Road, with an amendment; in which they ask the concurrence of this House. The amendment was read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill fixing the fees of the Clerks of the County and Superior Courts and the Sheriffs' fees; in which they ask the concurrence of this House. The said bill was read the first time and passed, and made the order of the day for to-morrow, and ordered to be printed.



A message from the Senate, informing that they concur in the amendment made in this House in the engrossed bill for the relief of James D. Justice, of the county of Buncombe. Ordered that the said bill be enrolled.

The engrossed bill to divide the regiment of militia of Macon county, was read the second and third times, passed and ordered to be enrolled.

The engrossed resolution in favor of Ransom Clinton; and the engrossed resolution in favor of Isaiah Rogerson, sheriff of Perquimous county, were read the second and third times, passed and ordered to be enrolled.

The resolution in favor of the Librarian; also the resolution directing the Public Treasurer to pay Dirk Lindeman thirty one dollars for binding books belonging to the Public Library, were read the second and third times, passed and ordered to be engrossed and sent to the Senate for concurrence.

The resolution directing the Public Treasurer to pay to the Treasurer of the Roanoke Navigation Company five thousand dollars when demanded, was read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

The bill for the pardon of Thomas Norman, of the county of Guilford; also the bill to alter the name of Thomas Petite, of the county of Surry, and to legitimate him, were read, and on motion, postponed indefinitely.

The engrossed bill to legitimate Nathan Oliver, of the county of Washington, was read, and, on motion, postponed indefinitely.

Mr. Stedman, with leave, presented a bill concerning the wardens of the poor in Gates county; which was read the first time and passed.

The bill to alter the name of Mary Ann Francis Davis, and to legitimate her, was read, and, on motion, postponed indefinitely.

Mr. T. Wilson presented the following resolution:

*Resolved*, That Robert Perry be, and he is hereby appointed keeper of the public buildings during the ensuing year; and that he receive the sum of seventy five dollars for his services as such.

The said resolution was read and laid on the table.

The bill to authorise the justices of Moore county to compensate the clerk of the County Court and the sheriff for their extra services, was read, and, on motion, laid on the table.

Mr. Mhoon, from the committee of Propositions and Grievances, to whom was referred the petition of George Dyer, reported that the committee had considered it, and directed him to recommend that it be rejected, and to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

Mr. Mendenhall, from the committee of Claims, to whom was referred a resolution in favor of James Bryson, of Macon county, reported that the committee had, according to order, considered the said resolution, and directed him to report that they deem the resolution referred to them to be insufficient to attain the object contemplated, and to recommend that it be amended by striking out the whole, except the word "resolved," and insert the one accompanying the report, and to recommend its passage. The report was read and concurred in, and the resolution, as amended, read the first time and passed.

The resignation of Duncan York, justice of the peace for the county of Nash; and Willis Johnston, lieutenant colonel of the 16th brigade, 37th regiment of North Carolina militia, were read and accepted.

A message from the Senate, informing that Messrs. Montgomery and



Dickinson attend this House as superintendents of the balloting for a member of the Board of Internal Improvement on their part.

Mr. Blaic, from the committee appointed to conduct the balloting for a member of the Board of Internal Improvement, reported that the committee had performed that duty, and that it appeared, on examining the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

The bill giving time to the State Bank of North Carolina to close its business, and to pay and collect its debts, was read the second time. Mr. Pearson moved to fill the blank with the figures "1838." The question thereon was determined in the affirmative. Mr. Pearson moved to amend the bill in the second section, by adding the words "except such bill, bond or note be offered in renewal of, or in payment or substitution for some previously existing debt." The question thereon was determined in the affirmative. Mr. Pearson moved further to amend the bill in the fourth section, by striking out the whole after the word "thereof," and inserting the following amendment: "as not to require on the renewal of any debt, contracted by loan or discount, now existing and to become payable hereafter, a greater instalment than the one twentieth part of the present amount of the debt every ninety days, provided always, that the said instalment be punctually paid as it becomes due, and that the Board of Directors shall always judge of the sufficiency of the securities offered; and provided also, that this section shall not apply to any debt which has been contracted under an engagement to be paid more speedily and by larger instalments. Be it further enacted, that hereafter it shall be lawful for the President and Directors of said Bank to receive stock of the Bank in payment of debts, at a reasonable value to be fixed on by the stockholders, and to be approved of by the Public Treasurer, and the stock so received shall be considered as extinguished and forming no part of the capital. And be it further enacted, that after the first day of January, 1833, the stockholders may declare dividends of the capital, as the same shall accumulate, provided that the capital shall not be reduced to less than the amount of debts due from the banks." The question thereon was determined in the affirmative. Mr. Carson moved to amend the amendment by adding after the word "Directors," the following words "or their agents where said Bank has established agencies." The question thereon was determined in the affirmative. Mr. Bynum moved to amend the last section, by striking out the words "on conviction to be punished by fine and imprisonment," and inserting the following: "shall be fined not less than five hundred dollars and imprisoned not less than 12 months." The question thereon was determined in the negative; and Mr. Bynum moved that the first member of the said amendment be determined by the yeas and nays—yeas 41, nays 80.

Those who voted in the affirmative, are Messrs. Bethell, Brooks, Brown, Brower, Byrum, Bynum, Calloway, Chamblee, Chesson, Clark, Cooper, Cunningham, Davenport, Dozier, Edmonston, Entoe, Gary, Grandy, Green, Harper, W. S. Hill, W. G. Jones, Little, Love, Melvin, Mullen, Neill, N. Nicholson, Purcell, Rawls, Rhodes, Richardson, Sasser, B. T. Simmons, Stedman, Stockard, Taylor, Thompson, Wheeler, Wilder, C. Wooten—41 yeas.

Those who voted in the negative, are Messrs. Alexander, Arrington, M. Baker, Z. Baker, Banner, Barnard Barringer, Bateman, Blair, Bogle, Branch, Buie, Buttner, Campbell, Carson, Cox, Farrier, Fisher, Gaston, Gause, Graham, Hatch, Haughton, Hayley, J. A. Hill, Horton, Hough, Jarvis, W. Jones, Jordan, Kerr, Kendall, King, Larkins, Lilly, Long, Loretz, Mebane, Mendenhall, Mhoon, Monk, Morris, Moye,



Murchison, P. Murphey, J. Murphey, M'Lean, M'Millan, M'Neill, Nash, Newland, T. Nicholson, O'Brian, Orr, Patrick, Pearson, Polk, Russell, Sawyer, Shipp, Simpson, L. R. Simmons, Smallwood, N. G. Smith, Speight, Stanly, Stokes, Watts, Webb, S. Whitaker, J. Whitaker, White, Williams, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, Wright, Wyche, York—80 yeas.

The bill as amended, was put upon its passage, and the question, shall the said bill pass? was determined in the affirmative—yeas 84, nays 59. The yeas and nays called for by Mr. Brooks.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, Z. Baker, Banner, Barringer, Blair, Bogle, Branch, Brown, Buie, Buttner, Calloway, Campbell, Clark, Cox, Cunningham, Edmonston, Enloe, Farrier, Fisher, Gaston, Gauze, Graham, Green, Harper, Hatch, Haughton, Hayley, J. A. Hill, Hough, Jarvis, W. G. Jones, W. Jones, Kerr, Kendall, King, Larkins, Lilly, Long, Loretz, Love, Mebane, Mendenhall, Monk, Moore, Morris, Moye, P. Murphey, J. Murphey, M'Lean, M'Millan, M'Neill, Nash, Newland, N. Nicholson, O'Brian, Orr, Patrick, Pearson, Polk, Purcell, Rhodes, Russell, Sasser, Sawyer, Shipp, Simpson, L. R. Simmons, Smallwood, Speight, Stanly, Stokes, Watts, S. Whitaker, J. Whitaker, White, Williams, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wright, Wyche, York—84 yeas.

Those who voted in the negative, are Messrs. M. Baker, Barnard, Bateman, Bethell, Brooks, Brower, Bynum, Byrum, Carson, Chamblee, Chesson, Cooper, Davenport, Dozier, Gary, Grandy, W. S. Hill, Horton, Jordan, Little, Melvin, Mhoon, Mullen, Murchison, Neill, T. Nicholson, Rawls, Richardson, B. T. Simmons, N. G. Smith, Snyder, Stedman, Stockard, Taylor, Thompson, Webb, Wheeler, Wilder, T. Wilson—39 nays.

The House then adjourned until to-morrow morning, half after 9 o'clock.

SATURDAY, JANUARY 2, 1850.

On motion, ordered that the engrossed bill more effectually to prevent depredations of runaway slaves, and to encourage their apprehension, in the counties of Lenoir, Wayne, Craven, Onslow, New Hanover, Washington, Buncombe, Jones, Pitt, Beaufort and Greene, be referred to Messrs. A. W. Wooten, Rhodes, N. Smith, Hatch, Wm Larkins, Horton, D. L. Swain, Cox, Moye, Williams and Speight.

The bill to amend an act, passed 1828, entitled, an act to amend the law regulating the inspection of flour in the town of Fayetteville, was read the second time and passed.

The bill giving time to the Banks of Cape Fear and Newbern to close their business, and to pay and collect their debts, was read the third time. Mr. Pearson moved to amend the title of the bill to read "a bill to enable the Banks of Newbern and Cape Fear to wind up gradually, and to fix a uniform rate of collection." The question thereon was determined in the affirmative. The bill was then put on its passage, and the question, shall the said bill pass as amended? was determined in the affirmative—yeas 88, nays 40. The yeas and nays called for by Mr. T. Wilson.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, Z. Baker, Banner, Barringer, Bogle, Borden, Branch, Brown, Buie, Buttner, Bynum, Calloway, Campbell, Clark, Cox, Cunningham, Eccles, Edmonston, Enloe, Fisher, Gary, Gaston, Gauze, Graham, Green, Harper, Hatch, Haughton, Hayley, Hellen, J. A. Hill, Hough, Jarvis, W. G. Jones, W. Jones, Kerr, Kendall, King, Larkins, Lilly, Long, Loretz, Love, Mebane, Mendenhall, Monk, Moore, Morris, Moye, P. Murphey, J. Murphey, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, T. Nicholson, Patrick, Pearson, Polk, Purcell, Rhodes, Russell, Sasser, Sawyer, Shipp, Simpson, L. R. Simmons, Smallwood, Snyder, Speight, Stanly, Stokes, Swain, Watts, S. Whitaker, J. Whitaker, White, Williams, J. Wilson, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wright, Wyche, York—88 yeas.

Those who voted in the negative, are Messrs. M. Baker, Barnard, Bateman, Bethell, Blair, Brooks, Brower, Byrum, Carson, Chamblee, Chesson, Cooper, Davenport, Dozier, Farrier, Grandy, Hancock, W. S. Hill, Horton, Jordan, Little, Melvin, Mhoon, Mullen,



Murchison, Neill, Orr, Rawls, Richardson, B. T. Simmons, Sloan, N. G. Smith, Stedman, Stockard, Taylor, Thompson, Webb, Wheeler, Wilder, T. Wilson—40 nays.

Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill giving time to the State Bank of North Carolina to close its business and to pay and collect its debts, was read the third time. On motion, the title of said bill was amended to read "A bill to enable the State Bank of North Carolina to wind up gradually, and to fix a uniform rate of collection." The bill was then put on its passage, and the question, shall the said bill pass its third reading as amended? was determined in the affirmative—yeas 88, nays 37. Mr. Carson called for the yeas and nays.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, Z. Baker, Banner, Barringer, Blair, Bogle, Borden, Branch, Brown, Buie, Buttner, Calloway, Campbell, Clark, Cox, Cunningham, Eccles, Edmonston, Enloe, Farrier, Fisher, Gaston, Gauze, Graham, Green, Harper, Hatch, Haughton, Hellen, J. A. Hill, Hough, Jarvis, W. G. Jones, W. Jones, Kerr, Kendall, King, Larkins, Lilly, Long, Loretz, Love, Mebane, Mendenhall, Monk, Moore, Morris, Moye, P. Murphey, J. Murphey, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, Newland, N. Nicholson, O'Brian, Orr, Patrick, Pearson, Polk, Purcell, Rhodes, Russell, Sasser, Sawyer, Shipp, Simpson, L. R. Simmons, Smallwood, Speight, Stokes, Swain, Watts, S. Whitaker, J. Whitaker, White, Williams, J. Wilson, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wright, Wyche, York—88 yeas.

Those who voted in the negative, are Messrs. M. Baker, Barnard, Bateman, Bethell, Brooks, Brower, Bynum, Byrum, Carson, Chamblee, Chesson, Cooper, Davenport, Dozier, Gary, Hayley, W. S. Hill, Horton, Jordan, Little, Melvin, Mhoon, Mullen, Neill, T. Nicholson, Rawls, Richardson, B. T. Simmons, Sloan, N. G. Smith, Stedman, Stockard, Taylor, Thompson, Webb, Wilder, T. Wilson—37 nays.

On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

On motion, ordered that a message be sent to the Senate, informing that Mr. Graham and Mr. Blair attend the Senate as superintendents of the balloting for one member of the board of Internal Improvement, on the part of this House.

A message from the Senate:

Although the Senate strictly adhere to their opinion, as expressed in their message to the House of Commons of the date of the 31st of December, 1829, on the application of the term *perfect*, as used in the Joint Rules of Order; yet, rather than a bill of primary importance to the State, having occupied much of the time of the Senate, should be lost from a difference of opinion on the construction of said rule by a co-ordinate branch of the Legislature, they have rescinded the twelfth Rule for the government of this House, so far as relates to the bill establishing a Bank on behalf of the State, and for the benefit of the State; have taken the said bill again under consideration, amended the same, and herewith transmit it for the concurrence of the House of Commons.

The bill establishing a Bank on behalf of the State, and for the benefit of the State, was read the first time and passed, and, on motion, made the order of the day for Monday next.

Mr. Blair, from the committee appointed to superintend the balloting for a member of the board of Internal Improvement, reported that the committee had performed that duty, and that, on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number.—The question to concur with the report was determined in the affirmative.

The House then adjourned until 4 o'clock, P. M.

A message from the Senate, proposing to ballot immediately for a member of the board of Internal Improvement. The message was concurred in, and the Senate informed by message that Mr. M'Millan and Mr. Little attend the Senate as a committee to superintend the balloting on the part of this House.



A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: A bill to divorce John Sloan from Elizabeth Sloan; a bill requiring the register of the county of Caswell to keep his office at the court house, or within one mile thereof; a resolution in favor of Ezekiel Ellis; a resolution in favor of Merritt Hutchins; a resolution in favor of David Graybeal; a resolution for the Senators and Representatives in Congress, respecting the repeal of the tax on salt; and a resolution for the joint select committee on the claims of the State against the United States; in which they ask the concurrence of this House.

The engrossed bill requiring the register of the county of Caswell to keep his office at the court house, or within one mile thereof, was read the first, second and third times, passed, and ordered to be enrolled.

The engrossed resolution for the joint select committee on the claims of the State against the United States, was read, concurred in, and, on motion, ordered to be enrolled.

A message from the Senate, informing that Messrs. Moya and Melchor attend this House as superintendents of the balloting for a member of the board of Internal Improvement on their part; and informing that the name of Joseph Dozier is withdrawn from the nomination.

The engrossed bill concerning the Washington toll bridge, was read the first, second and third times, amended and passed. Ordered that the said bill be sent to the Senate, asking their concurrence in the amendment.

The resignation of Davis Durrett, colonel commandant of the second regiment of the Surry county militia; James Hamilton, of Buncombe county, and Thomas Cox, of Washington county, justices of the peace, were presented, read and accepted.

The engrossed resolution for the Senators and Representatives in Congress, respecting the repeal of the tax on salt, was read, concurred in, and ordered to be enrolled.

The bill concerning the wardens of the poor in Gates county, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed resolution in favor of Ezekiel Ellis; also the resolution in favor of Benjamin H. Blount; also the resolution in favor of David Graybeal; and also the resolution in favor of Merritt Hutchins, were severally read the first time and passed.

A message from the Senate, proposing that the 7th section of the Joint Rules of Order be so altered as to require the joint committee appointed to examine the enrolled bills to consist of eight members from the House of Commons and four members from the Senate, instead of the number now required by said Joint Rule. The message was concurred in, and the Senate informed that Messrs. Pearson, M'Millan, Stanly and Long form the additional committee on the part of this House.

A message from the Senate:

MR. SPEAKER.—It is the opinion of the Senate that a blank in a bill does not render it imperfect within the spirit and meaning of the first section of the Joint Rules for the government of the two Houses. For this reason the Senate beg leave respectfully to return to the House of Commons the bill for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes.

On motion, ordered that the engrossed bill for the better government of the town of Elizabeth City be postponed indefinitely.

The bill to prescribe the manner in which the sheriffs shall give bonds, was



read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill to amend an act, passed A. D. 1828, entitled an act supplemental to an act erecting the county of Macon, was read the second time and passed.

The engrossed resolution in favor of Alexander Nicholson; also the engrossed resolution in favor of John Black, were read the second time and passed.

The resolution in favor of James Bryson, was read the second time and passed.

The bill to alter the mode of appointing certain general and field officers of the militia of the State of North Carolina, was read, and, on motion, laid on the table.

Mr. Mendenhall, chairman pro tem. of the select joint committee to whom was referred so much of the Governor's message as relates to the subject of building a penitentiary in this State; and the resolution directing them to inquire into the expediency of obtaining information in relation thereto, reported that the committee, according to order, had duly considered the subject, and directed him to report a resolution for the purpose of obtaining the ends contemplated, and to recommend its passage. The said resolution was read the first time and passed.

A message from the Senate, informing of the concurrence of that House with the amendment made in the engrossed resolution in favor of Presley C. Person. Ordered that the said resolution be enrolled.

A message from the Senate, proposing that the joint select committee be discharged from the consideration of the bill to alter the time of holding the Superior Courts of Law and Equity in the third judicial circuit. The message was concurred in, and the Senate informed thereof by message.

Mr. Little, from the committee appointed to conduct the balloting for one member of the board of Internal Improvement, reported that the committee had performed that duty, and that, on examining the ballots, it appeared James Morgan had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

The House then adjourned until Monday morning, 9 o'clock.

#### MONDAY, JANUARY 4, 1830.

On motion, ordered that Mr. Polk have leave of absence from the service of this House after Wednesday next.

Mr. Fisher, with leave, presented a bill for the application of all appropriations for the increase of the public Library; which was read the first time and passed.

The engrossed bill to divorce John Sloan from Elizabeth Sloan, was read the first time and rejected—yeas 54, nays 68. Yeas and nays called for by Mr. Gaston.

Those who voted in the affirmative, are Messrs. Alexander, Banner, Barringer, Bateman, Blair, Bogle, Brooks, Brower, Calloway, Carson, Chamblee, Cooper, Cox, Davenport, Edmonston, Enloe, Fisher, Green, Hancock, Hayley, Kerr, Kendall, King, Loretz, Love, Mebane, Mendenhall, Mhoon, Monk, Morris, Murchison, P. Murphey, M'Lean, M'Neill, Newland, N. Nicholson, O'Brian, Patrick, Pearson, Polk, Shipp, Sloan, N. G. Smith, Stedman, Swain, Taylor, White, S. Whitaker, Williams, T. Wilson, Wiseman, R. Wooten, Wright, York—54 yeas.

Those who voted in the negative, are Messrs. Arrington, M. Baker, Z. Baker, Barnard, Bethell, Borden, Branch, Brown, Buie, Buttner, Bynum, Byrum, Campbell, Chesson, Clark,



Dozier, Eccles, Farrier, Gary, Gaston, Gauze, Grandy, Harper, Hatcher, Haughton, Hellen, J. A. Hill, W. S. Hill, Horton, Hough, Jarvis, W. G. Jones, W. Jones, Jordan, Larkins, Little, Melvin, Moore, Moye, Mullen, J. Murphey, M'Gehee, M'Millan, Nash, Neill, T. Nicholson, Orr, Purcell, Rawls, Richardson, Russell, Simpson, L. R. Simmons, B. T. Simmons, Smallwood, Snyder, Speight, Stanly, Stockard, Stokes, Thompson, Watts, Webb, Wheeler, J. Whitaker, Wilder, A. W. Wooten, C. Wooten, Wyche—68 nays.

Mr. Wiseman presented the following resolution:

*Resolved*, That this Legislature will adjourn without day on Thursday next.

And Mr. W. G. Jones presented the following resolution:

*Resolved*, That no motion to adjourn shall be in order for the residue of the session of this Legislature; and the Speaker be authorised, and he is hereby requested to adjourn this House on each and every day at half past one o'clock, P. M. to half past three; and at seven o'clock, and no sooner, he be authorised to adjourn until 9 o'clock the succeeding day.

These resolutions were read, and, on motion, laid on the table.

The engrossed bill to authorise and direct the Supreme Court to be holden in the several places therein directed, was read, and, on motion, laid on the table.

Mr. Carson presented the following resolution:

Whereas the attempts heretofore made by the citizens of this State to render navigable the rapid and shoal streams which pass through the upland parts of the State, have in a great measure failed, owing to the unsuitableness of the plans and modes of operating heretofore pursued, without regard to the nature of the country and the character of the rivers attempted to be improved; and whereas modern experience, more especially in England and in other parts of the United States, have demonstrated that the channels of rivers are the best canals already formed by nature, the art of the engineer only being required to check and control their rapid currents, and men of experience having recommended the construction of dams, so as to still the current over the rapids, and thereby hold up the water to a proper depth even for steam boat navigation, with locks adapted to the purpose of ascending the dams; all which can be accomplished at a rate of expense greatly below any reasonable estimate that can be made either for the completion of artificial canals or rail ways; South Carolina being desirous to prosecute the work already begun on Broad river in conjunction with the work to be done in this State: To the end therefore that such plans of improvement may be brought fairly before the public, for the observation and reflection of ingenious men,

*Resolved*, That a survey be made of the Main Broad River within this State, with just and proper estimates of the probable expense of the above description of work; and that Joshua Foreman, Theoderic Burchett and Joseph M'D. Carson be, and they are hereby appointed a board of commissioners to employ a suitable artist for the above purposes; a drawing of the plans of said improvements, with an estimate of the probable expense, to be made and reported to the next General Assembly, at a rate of compensation such as that body may or may not think proper to make.

The said resolution was read, and, on motion, ordered to be laid on the table.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; a bill giving femes covert the right of suing and being sued; and a bill amendatory of the several acts heretofore passed, appointing commissioners for the town of Ashborough, in Randolph county; in which they ask the concurrence of this House.

Mr. Hough, with leave, presented a bill to amend an act, passed in the year 1826, to appoint commissioners to superintend the building a court house in the county of Surry, and for other purposes; which was read the first time and passed.

The engrossed bill giving femes covert the right of suing and being sued, was read the first time and passed.

The engrossed bill amendatory of the several acts heretofore passed, appointing commissioners for the town of Ashborough, in Randolph county, and for the better regulation of the police thereof, was read the first and second times and passed.



The engrossed bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift, was read the first time and passed.

Mr. Snyder presented the following resolution:

*Resolved*, That there shall be no more resolutions nor private bills introduced into this House during the present session of the Legislature.

On motion, ordered that the said resolution be laid on the table.

On motion of Mr. Swain,

*Resolved*, That after this day, the resolution requiring all bills and resolutions involving the expenditure of public money, to be read three times on three several days, be, and the same is hereby repealed.

The House then adjourned until 4 o'clock, P. M.

The bill to amend an act, passed A. D. 1828, entitled an act to amend the law regulating the inspection of flour in the town of Fayetteville, was read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

The engrossed bill to authorise and direct the Supreme Court to be holden in the several places therein directed, was read the second time and rejected—yeas 47, nays 68 Yeas and nays called for by Mr. Hill, of Wilmington.

Those who voted in the affirmative, are Messrs. Alexander, Z. Baker, Banner, Barringer, Bateman, Bethell, Bogle, Buie, Buttner, Calloway, Carson, Cox, Edmonston, Enloe, Fisher, Graham, Hancock, Harper, W. S. Hill, Horton, Hough, Kerr, Kendall, King, Loretz, Love, Mendenhall, Moore, Morris, Murchison, J. Murphey, Nash, Newland, Neill, Orr, Patrick, Pearson, Polk, Shipp, Simpson, N. G. Smith, Snyder, Stokes, J. Whitaker, White, J. Wilson, Wiseman—47 yeas.

Those who voted in the negative, are Messrs. Arrington, M. Baker, Blair, Branch, Brooks, Brown, Brower, Byrum, Campbell, Gheeson, Clark, Cooper, Cunningham, Davenport, Dozier, Eccles, Farrrier, Gary, Gaston, Gauze, Grandy, Green, Haughton, Hayley, J. A. Hill, Jarvis, W. Jones, Jordan, Larkins, Lilly, Mebane, Melvin, Mhoon, Monk, Moye, Mullen, P. Murphey, M'Gehee, M'Millan, M'Neil, N. Nicholson, T. Nicholson, O'Brian, Rawls, Richardson, Russell, Sawyer, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, Speight, Stanly, Stedman, Stockard, Taylor, Thompson, Watts, Webb, S. Whitaker, Wilder, T. Wilson, R. Wooten, A. W. Wooten, C. Wooten, Wright, Wyche, York—68 nays.

The resignation of Richard Bannier, colonel commandant of the regiment of militia in Beaufort county, was read and accepted.

The resolution in relation to the large grants of lands in the western part of the State, was read the second time and passed.

The bill to amend an act, passed at the last session, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by a justice of the peace, was read the second time, amended and passed.

The engrossed bill more effectually to prevent depredations of runaway slaves, and to encourage their apprehension, in the counties of Lenoir, Wayne, Craven, Onslow, New Hanover, Washington, Buncombe, Jones, Pitt, Beaufort and Greene, was read the second time and amended, and, on motion, postponed indefinitely.

The House then adjourned until to-morrow morning, 9 o'clock.

#### TUESDAY JANUARY 5. 1830.

A message from the Senate, informing that they had passed the engrossed bill concerning the Cross Canal leading from the Great Dismal Swamp Canal, near the head of the woods in Camden county, to the White Oak Spring, in Gate's county, with an amendment; in which they ask the concurrence of this House. The amendment was read and disagreed to, and the Senate informed thereof by message.



Mr. Patrick, with leave, presented a bill to repeal an act, entitled an act to increase the fees of the registers of the counties of New Hanover, Cumberland, Brunswick, Carteret and Craven, passed in the year 1817, so far as regards the county of Craven; which was read the first time and passed.

A message from the Senate, proposing that the 7th joint rule for the government of the two Houses be so altered that it shall not be necessary that more than one member of the committee from the Senate, and two from the House of Commons should compare the enrolled bills with the engrossed bills, and make report thereon. The message was read and concurred with, and the Senate informed thereof by message.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to enable the Public Treasurer to employ the service of additional clerks.

A message from the Senate, informing that they concur with the amendment made in this House in the engrossed bill to amend an act, entitled an act for the relief of certain purchasers of Cherokee lands, passed in the year 1825, with an amendment, to wit: After the word "purchase," in the 5th line of the second section of the bill, insert the amendment marked A; in which they ask the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message. Ordered that the said bill be enrolled.

The engrossed resolution in favor of John Black, sheriff of Cumberland county; also the engrossed resolution in favor of Alexander Nicholson, were read the third time, passed and ordered to be enrolled.

The resolution in favor of James Bryson, was read the third time and passed and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Eccles presented the memorial of sundry merchants of Fayetteville, praying for the enactment of a law requiring all owners of public or private gins to mark in legible and durable characters the names of the owners of said gins on the bales, and the name of the county wherein they are situated. The said memorial was read, and, on motion, referred to Messrs. Eccles, Polk and Mendenhall.

Mr. Eccles presented also the petition of the merchants and others of the county of Cumberland and town of Fayetteville, praying, for reasons stated in the petition, that the wages of the boatmen employed in the navigation of Cape Fear river between Fayetteville and Wilmington, be fixed by law. The said petition was read, and, on motion, referred to Messrs. Eccles, Hill of Wilmington and Campbell.

The resolution respecting the large grants for land in the western part of the State, was read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

The Speaker presented to the House the following communication from the Public Treasurer:

In obedience to the resolution of the General Assembly, of the 12th December, 1829, I have the honor to transmit a statement received from the Branch of the State Bank of North Carolina at Edenton.

I have the honor to be, &c.

WM. ROBARDS, Pub. Treas'r.

*Treasury Department, January 4th, 1830.*

The communication was read and ordered to be sent to the Senate, with a message, proposing that the exhibit referred to, be printed, one copy for each member of the Assembly.

The engrossed bill to amend an act, passed A. D. 1823, entitled an act



supplemental to an act erecting the county of Macon, was read the third time, amend and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendment.

The bill to insure the fair valuation of lands in this State when the same shall be given in for taxation, was read the second time, and, on motion of Mr. M'Lean, postponed indefinitely—yeas 63, nays 61. The yeas and nays called for by Mr. Neill.

Those who voted in the affirmative, are Messrs. Alexander, M. Baker, Z. Baker, Barringer, Bateman, Bogle, Branch, Brooks, Brown, Brower, Buie, Bynum, Byrum, Calloway, Clark, Cooper, Cunningham, Davenport, Dozier, Farrier, Grandy, Hancock, Harper, Hayley, Hellen, Hough, Jarvis, Jordan, Kendall, King, Larkins, Lilly, Little, Long, Melvin, Monk, Morris, Mullen, Murchison, J. Murphey, M'Lean, Neill, T. Nicholson, Rawls, Richardson, Russell, L. R. Simmons, B. T. Simmons, Sloan, N. G. Smith, Snyder, Speight, Stedman, Stockard, Thompson, Watts, White, Wilder, Williams, T. Wilson, A. W. Wooten, C. Wooten, Wright—63 yeas.

Those who voted in the negative, are Messrs. Arrington, Banner, Barnard, Bethell, Blair, Borden, Buttner, Campbell, Chamblee, Chesson, Cox, Eccles, Edmonston, Enloe, Fisher, Gary, Gaston, Gauze, Green, Hatch, Haughton, J. A. Hill, W. S. Hill, Horton, W. G. Jones, W. Jones, Kerr, Loretz, Love, Mebane, Mendenhall, Mhoon, Moore, Moye, P. Murphey, M'Gehee, M'Millan, M'Neill, Nash, Newland, N. Nicholson, Orr, Patrick, Pearson, Polk, Purcell, Rhodes, Sasser, Shipp, Simpson, Smallwood, Stokes, Swain, Taylor, Webb, Wheeler, S. Whitaker, J. Wilson, Wiseman, R. Wooten, Wyche—61 nays.

The bill to establish a bank on behalf of, and for the benefit of the State, was read the second time. Mr. F. Wilson moved that the bill be laid on the table until Saturday. The question thereon was determined in the negative—yeas 57, nays 73. The yeas and nays called for by Mr. Branch.

Those who voted in the affirmative, are Messrs. Barringer, Borden, Branch, Campbell, Carson, Chamblee, Chesson, Clark, Eccles, Farrier, Fisher, Gaston, Gauze, Graham, Green, Harper, Haughton, Hellen, J. A. Hill, Hough, W. G. Jones, W. Jones, Kerr, Larkins, Long, Mendenhall, Mhoon, Moore, Moye, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, Newland, O'Brian, Orr, Patrick, Rawls, Rhodes, Richardson, Russell, Sasser, Simpson, Smallwood, Speight, Stanly, Swain, Watts, Webb, S. Whitaker, Wilder, J. Wilson, T. Wilson, A. W. Wooten, C. Wooten, Wyche—57 yeas.

Those who voted in the negative, are Messrs. Alexander, Arrington, M. Baker, Z. Baker, Banner, Barnard, Bateman, Bethell, Blair, Bogle, Brooks, Brown, Brower, Buie, Buttner, Bynum, Byrum, Calloway, Cooper, Cox, Cunningham, Davenport, Dozier, Edmonston, Enloe, Gary, Grandy, Hancock, Hatch, Hayley, W. S. Hill, Horton, Jarvis, Jordan, Kendall, King, Lilly, Little, Loretz, Love, Mebane, Melvin, Monk, Morris, Mullen, Murchison, P. Murphey, J. Murphey, Neill, N. Nicholson, T. Nicholson, Pearson, Purcell, Sawyer, Shipp, L. R. Simmons, B. T. Simmons, Sloan, N. G. Smith, Snyder, Stedman, Stockard, Stokes, Taylor, Thompson, Wheeler, J. Whitaker, White, Williams, Wiseman, R. Wooten, Wright, York—73 nays.

Mr. Hill, of Wilmington, moved that the further consideration of the said bill be postponed indefinitely. The question thereon was determined in the affirmative—yeas 67, nays 63. The yeas and nays called for by Mr. Hill, of Wilmington.

Those who voted in the affirmative, are Messrs. Barringer, Borden, Branch, Buie, Buttner, Bynum, Campbell, Carson, Chamblee, Chesson, Clark, Eccles, Farrier, Fisher, Gaston, Gauze, Graham, Green, Harper, Haughton, Hayley, Hellen, J. A. Hill, Hough, Jarvis, W. G. Jones, W. Jones, Kerr, Larkins, Long, Loretz, Mebane, Mendenhall, Mhoon, Moore, Moye, M'Gehee, M'Lean, M'Millan, M'Neill, Nash, Newland, O'Brian, Orr, Patrick, Purcell, Rawls, Rhodes, Richardson, Russell, Sasser, Shipp, Simpson, Smallwood, Speight, Stanly, Swain, Watts, Webb, Wheeler, S. Whitaker, Wilder, J. Wilson, T. Wilson, A. W. Wooten, C. Wooten, Wyche—67 yeas.

Those who voted in the negative, are Messrs. Alexander, Arrington, M. Baker, Z. Baker, Banner, Barnard, Bateman, Bethell, Blair, Bogle, Brooks, Brown, Brower, Byrum, Calloway, Cooper, Cox, Cunningham, Davenport, Dozier, Edmonston, Enloe, Gary, Grandy, Hancock, Hatch, W. S. Hill, Horton, Jordan, Kendall, King, Lilly, Little, Love, Melvin, Monk, Morris, Mullin, Murchison, P. Murphey, J. Murphey, Neill, N.



Nicholson, T. Nicholson, Pearson, Sawyer, L. R. Simmons, B. T. Simmons, Sloan, N. G. Smith, Snyder, Stedman, Stockard, Stokes, Taylor, Thompson, J. Whitaker, White, Williams, Wiseman, R. Wooten, Wright, York—63 nays.

The House then adjourned until 4 o'clock, P. M.

A message from the Senate, informing that they concur with the amendment made in the engrossed bill concerning the Washington toll bridge. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to exempt the members of the several Fire Companies in this State from mustering, and for other purposes, with several amendments; in which they ask the concurrence of this House. The amendments were read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill concerning the University of North Carolina.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed 1827, providing for the incorporation of the town of Lexington, in the county of Davidson, with an amendment; and asking the concurrence of this House. The amendment was read, concurred in, and the Senate informed by message.

A message from the Senate, informing that they recede from their disagreement to the second amendment proposed by this House to the engrossed bill to authorise the forming a Fire Engine Company in the town of Elizabeth City. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to prevent disfiguring the walls of the State House; a bill to amend the charter of the Catawba Navigation Company; a bill to provide for the repairs of the State House and Arsenal; a bill concerning fishing in the waters of Blount's creek; a bill to regulate the fisheries of Tar and Pamptico rivers; a bill to restore Joshua Pennel, of Wilkes county, to credit; and a bill ceding to the United States jurisdiction over certain lands as sites for light houses; in which they ask the concurrence of this House.

The engrossed bill to provide for repairs of the State House and Arsenal; also the engrossed bill to amend the charter of the Catawba Navigation Company; also the engrossed bill concerning fishing in the waters of Blount's creek; also the engrossed bill to prevent disfiguring the walls of the State House; and the engrossed bill to cede to the United States jurisdiction over certain lands as sites for light houses, were severally read the first time and passed.

The engrossed bill to restore Joshua Pennel, of Wilkes county, to credit; also the engrossed bill to regulate the fisheries of Tar and Pamptico rivers, were read, and, on motion, postponed indefinitely.

The resignations of Richard Baynor, colonel commandant of the militia of Beaufort county; and Elijah B. Perry, justice of the peace for the county of Franklin, were read and accepted.

A message from the Senate, informing that Messrs Mitchell and Spaight are appointed a committee of enrolled bills in conformity to the alteration made in the 7th section of the joint rules for the government of the two Houses.

Mr. Whitaker, of Macon, from the select committee to whom was referred the resolution instructing them to inquire into the expediency of extending



the laws of the State over the Cherokee nation of Indians, so far as the chartered limits of the State extend, reported that the committee had, according to order, considered the subject, and directed him to recommend to the House to postpone acting on the subject the present session, and to ask to be discharged from the further consideration of the subject. The report was read and concurred in.

On motion of Mr. Cox,

*Resolved*, That the Board of Internal Improvement, if they should deem it expedient, do order a survey of Trent river, running through the county of Jones, from the town of Trenton up to the mouth of Tuckahoe creek, and Black river, in the county of Sampson, so far as it is the dividing line between the counties of Sampson and Cumberland; and that the surveyor make a report to said board, and the board report to the next Legislature.

On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

The resolution in relation to the survey of the Main Broad river, in the county of Rutherford, was read, concurred with, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Wheeler moved that the House do now reconsider the vote rejecting the bill to divorce John Sloan from Elizabeth Sloan. The question thereon was determined in the affirmative—yeas 59, nays 53. The yeas and nays called for by Mr. Gaston.

Those who voted in the affirmative, are Messrs. Alexander, Banner, Barringer, Bateman, Blair, Bogle, Brooks, Brower, Byrum, Calloway, Carson, Chamblee, Cooper, Cox, Cunningham, Davenport, Edmonston, Enloe, Fisher, Graham, Green, Hancock, Hayley, Horton, W. G. Jones, W. Jones, Kerr, Kendall, King, Larkins, Loretz, Love, Mebane, Mhoon, Morris, Murchison, P. Murphey, M'Lean, M'Neil, Neill, N. Nicholson, Polk, Rhodes, Sawyer, Shipp, Sloan, N. G. Smith, Stedman, Stokes, Taylor, Thompson, Wheeler, S. Whitaker, White, Williams, J. Wilson, F. Wilson, Wright, York—59 yeas.

Those who voted in the negative, are Messrs. Arrington, M. Baker, Z. Baker, Barnard, Branch, Brown, Buie, Buttner, Bynum, Chesson, Clark, Dozier, Farrier, Gary, Gaston, Gauze, Grandy, Harper, Haughton, Hellen, W. S. Hill, Hough, Jarvis, Jordan, Little, Melvin, Moore, Moye, Mullen, J. Murphey, M'Gehee, M'Millan, T. Nicholson, O'Brian, Orr, Pearson, Purcell, Rawls, Richardson, Russell, Simpson, B. T. Simmons, Smallwood, Snyder, Speight, Stockard, Watts, Webb, J. Whitaker, Wilder, R. Wooten, C. Wooten, Wyche—53 nays.

The bill was then read, and Mr. Little moved that the further consideration thereof be postponed indefinitely, and called for the yeas and nays. The question was determined in the affirmative—yeas 67, nays 46.

Those who voted in the affirmative, are Messrs. Arrington, M. Baker, Z. Baker, Banner, Barnard, Bethell, Borden, Branch, Brown, Buie, Buttner, Bynum, Byrum, Chesson, Clark, Cooper, Dozier, Farrier, Gary, Gaston, Gauze, Harper, Haughton, J. A. Hill, W. S. Hill, Hough, Jordan, Larkins, Little, Melvin, Moore, Moye, Mullen, Murchison, P. Murphey, J. Murphey, M'Gehee, M'Millan, M'Neil, Neill, N. Nicholson, T. Nicholson, O'Brian, Orr, Purcell, Rawls, Richardson, Russell, Sawyer, Simpson, B. T. Simmons, Smallwood, Snyder, Speight, Stockard, Taylor, Thompson, Watts, Webb, S. Whitaker, J. Whitaker, Wilder, A. W. Wooten, C. Wooten, Wright, Wyche, York—67 yeas.

Those who voted in the negative, are Messrs. Alexander, Barringer, Bateman, Blair, Bogle, Brooks, Brower, Calloway, Carson, Chamblee, Cox, Cunningham, Davenport, Edmonston, Enloe, Fisher, Graham, Grandy, Green, Hayley, Horton, W. G. Jones, W. Jones, Kerr, Kendall, King, Long, Loretz, Love, Mebane, Mhoon, Morris, M'Lean, Polk, Rhodes, Sasser, Shipp, Sloan, N. G. Smith, Stedman, Stokes, Swain, White, Williams, J. Wilson, R. Wooten—46 nays.

The House then adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, JANUARY 6, 1830.

On motion of Mr. T. Wilson,

*Resolved*, That a message be sent to the Senate, proposing that the two Houses of the General Assembly adjourn sine die on Friday next, and that the Clerks of the two Houses make up the estimates to Friday inclusive.



Mr. Whitaker, of Macon, with leave, presented a bill to increase the revenue of the State by means of the precious metals; which was read the first time and passed.

The bill to authorise the justices of Moore county to compensate the clerk of the County Court and sheriff for their extra services; also the bill to repeal an act, entitled an act to increase the fees of the registers of the counties of New Hanover, Cumberland, Brunswick, Carteret and Craven, passed in the year 1817, so far as regards the county of Craven, were read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Swain,

*Resolved*, That the document made out and submitted to this House by the Comptroller, exhibiting a detailed statement of each species of permanent general taxation, be sent to the Senate with a proposition that two hundred copies be printed, under the direction of the Comptroller, and deposited in the Public Library, and that he receive for this service such compensation as may be deemed adequate by the next General Assembly.

On motion of Mr. O'Brian, ordered that the bill to regulate the sale of lands, and to protect from execution a certain portion of the freehold of the citizens of North Carolina, be laid on the table until Tuesday next.

The engrossed bill fixing the fees of the clerks of the County and Superior Courts, and Sheriffs' fees, was read the second time. Mr. Shipp moved that the bill be laid on the table until Tuesday next. The question thereon was determined in the negative—yeas 32, nays 77. The yeas and nays called for by Mr. Simpson.

Those who voted in the affirmative, are Messrs. M. Baker, Buie, Buttner, Chamblee, Chesson, Clark, Cooper, Eccles, Edmonston, Farrier, Gauze, Green, Harper, Hellen, W. G. Jones, Larkins, Little, Morris, Moye, J. Murphey, M'Gehee, M'Lean, Sasser, Shipp, Speight, Stanly, Thompson, Watts, Wheeler, C. Wooten, Wright, Wyche—32 yeas.

Those who voted in the negative, are Messrs. Alexander, Arrington, Banner, Barnard, Bateman, Bogle, Borden, Branch, Brooks, Brown, Brower, Bynum, Byrum, Calloway, Cox, Cunningham, Dozier, Enloe, Gary, Gaston, Graham, Grandy, Hancock, J. A. Hill, W. S. Hill, Horton, Hough, Jarvis, W. Jones, Jordan, Kerr, Kendall, King, Lilly, Long, Loretz, Love, Mebane, Melvin, Mhoon, Monk, Mullin, Murchison, P. Murphey, M'Millan, M'Neill, Newland, N. Nicholson, T. Nicholson, O'Brian, Orr, Patrick, Polk, Purcell, Rawls, Rhodes, Richardson, Russell, Sawyer, Simpson, B. T. Simmons, Sloan, Smallwood, N. G. Smith, Snyder, Stedman, Stockard, Taylor, Webb, S. Whitaker, J. Whitaker, White, Williams, J. Wilson, T. Wilson, Wiseman, York—77 nays.

The said bill being amended, was put on its passage, and the question, shall the said bill pass its second reading as amended? was determined in the affirmative—yeas 79, nays 6. The yeas and nays called for by Mr. Blair.

Those who voted in the affirmative, are Messrs. M. Baker, Z. Baker, Banner, Barnard, Bateman, Bethell, Blair, Bogle, Branch, Brown, Brower, Buttner, Byrum, Calloway, Campbell, Clark, Cooper, Cox, Cunningham, Dozier, Enloe, Farrier, Gary, Gaston, Gauze, Graham, Green, Hayley, W. S. Hill, Horton, Hough, W. Jones, Jordan, Kendall, King, Larkins, Lilly, Little, Loretz, Love, Mebane, Melvin, Mendenhall, Mhoon, Monk, Morris, Moye, Mullen, Murchison, P. Murphey, J. Murphey, M'Lean, M'Millan, Newland, Neill, N. Nicholson, O'Brian, Orr, Polk, Purcell, Rawls, Russell, Simpson, Sloan, Snyder, Speight, Stedman, Stockard, Swain, Taylor, Watts, Webb, Wheeler, S. Whitaker, J. Whitaker, White, Wiseman, Wyche, York—79 yeas.

Those who voted in the negative, are Messrs. Chesson, Harper, W. G. Jones, Nash, Shipp, Thompson—6 nays.

On motion, ordered that the said bill be read the third time, two-thirds of the House concurring, and the question, shall the said bill pass its third reading? was determined in the affirmative—yeas 102, nays 12. The yeas and nays called for by Mr. Whitaker, of Wake.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, M. Baker, Z. Baker, Barnard, Barringer, Bethell, Blair, Bogle, Borden, Branch, Brooks, Brown, Brower, Buttner, Byrum, Calloway, Campbell, Carson, Clark, Cooper, Cox, Cunning-



Iam, Davenport, Dozier, Edmonston, Enloe, Farrier, Gary, Gaston, Gauze, Graham, Grandy, Hayley, Hellen, W. S. Hill, Horton, Jarvis, W. Jones, Jordan, Kerr, Kendall, King, Larkins, Little, Loretz, Love, Mebane, Melvin, Mendenhall, Mhoon, Monk, Morris, Moye, Mullen, Murchison, P. Murphey, J. Murphey, M'Gehee, M'Lean, M'Millan, M'Neill, Newland, Neill, N. Nicholson, T. Nicholson, O'Brian, Orr, Patrick, Pearson, Polk, Purcell, Rawls, Rhodes, Richardson, Sasser, Simpson, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, N. G. Smith, Snyder, Speight, Stedman, Stockard, Swain, Taylor, Webb, Wheeler, S. Whitaker, J. Whitaker, White, J. Wilson, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wright, Wyche, York—102 yeas.

Those who voted in the negative, are Messrs. Bynum, Chesson, Eccles, Green, Harper, Hough, W. G. Jones, Nash, Russell, Shipp, Thompson, Williams—12 nays.

On motion, ordered that the said bill be sent to the Senate, asking their concurrence in the amendment.

Mr. Gaston, from the select joint committee raised under a resolution of the two Houses, to take into consideration the most effectual means of connecting the waters of Neuse river with those of Beaufort Harbour by a ship canal, and to inquire into the propriety of requiring the aid of the General Government thereto, reported that the committee, according to order, had considered the subjects, and instructed him to report a resolution for the purpose of carrying them into effect, and to recommend its passage. The said resolution was read. Mr. Bynum moved that it lie on the table until Saturday next. The question thereon was determined in the affirmative—yeas 64 nays 45. The yeas and nays called for by Mr. Nash.

Those who voted in the affirmative, are Messrs. Alexander, Arrington, M. Baker, Z. Baker, Banner, Barnard, Bateman, Bethell, Blair, Branch, Brown, Bynum, Byrum, Carson, Chesson, Cooper, Davenport, Dozier, Enloe, Fisher, Grandy, Green, Hancock, Hayley, W. S. Hill, Horton, Jordan, Kerr, Kendall, Larkins, Little, Mebane, Melvin, Mhoon, Monk, Moore, Mullen, J. Murphey, M'Gehee, Neill, T. Nicholson, Orr, Purcell, Rawls, Richardson, Sawyer, Simpson, L. R. Simmons, B. T. Simmons, Sloan, Smallwood, Stedman, Stockard, Stokes, Thompson, Watts, Webb, Wheeler, J. Whitaker, J. Wilson, T. Wilson, R. Wooten, A. W. Wooten, York—64 yeas.

Those who voted in the negative, are Messrs. Barringer, Bogle, Borden, Brooks, Brower, Buie, Calloway, Campbell, Clark, Cox, Cunningham, Eccles, Edmonston, Gaston, Graham, Harper, Haughton, Hellen, Hough, W. Jones, King, Loretz, Love, Mendenhall, Morris, Moye, Murchison, P. Murphey, M'Lean, M'Millan, M'Neill, Nash, N. Nicholson, Pearson, Russell, Sasser, Shipp, N. G. Smith, Speight, Stanly, Swain, S. Whitaker, White, Williams, C. Wooten—45 nays.

The House then adjourned until 4 o'clock, P. M.

The resignation of Jacob Miller, a justice of the peace for Rowan county, was read and accepted.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: A bill to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood; a bill more effectually to prevent injury to stock; a bill to establish Woodville Academy, in the county of Wake, and to incorporate the trustees thereof; a bill to regulate the entries of land in certain cases; a bill for the relief of securities in certain cases; a bill to authorise the issuing of Treasury notes; a resolution in favor of William Thompson; a resolution in favor of Gabriel Holmes; a resolution for the committee of Internal Improvement; a resolution for the Board of Internal Improvement; and a resolution concerning the opening of an inlet from Albemarle Sound to the ocean; in which they ask the concurrence of this House.

The engrossed resolution for the Board of Internal Improvement, was read, passed, and ordered to be enrolled.

The following engrossed bills and resolutions were read the first time



and passed, to wit: The bill for the relief of securities in certain cases; the bill to regulate the entries of lands in certain cases; the bill to establish Woodville Academy, in the county of Wake, and to incorporate the trustees thereof; the resolution in favor of Gabriel Holmes, sheriff of New Hanover; and the resolution in favor of William Thompson.

The engrossed bill to provide for the collection of a judgment obtained against the devisees of the late John Haywood, was read the first time, amended and passed.

A message from the Senate, concurring with the proposition of this House to adjourn sine die on Friday next, and that the Clerks of the two Houses make up their estimates to include that day.

A message from the Senate, informing that they had rejected the engrossed bill to authorise the securities of William Gregory, late sheriff of Pasquotank county, to collect the arrears of taxes for the year therein mentioned; and that they had indefinitely postponed the engrossed resolution for the Secretary of State.

A message from the Senate, informing of the assent of that House to the proposition to have printed the exhibits from the several banks in the State.

The resignation of M. Butler, justice of the peace for the county of Montgomery, was read and accepted.

The bill to amend an act, passed in the year 1826, to appoint commissioners to superintend the building of a court house in the county of Surry, and for other purposes, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing of the concurrence of that House in the amendment proposed by this House in the engrossed bill to amend an act, passed 1828, entitled an act supplemental to an act erecting the county of Macon. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to prescribe the manner in which sheriffs shall give bond; also the resolution in relation to the document from the Comptroller's office; and also the resolution about the Governor's garden.

The bill to authorise the payment of purchase money on entries of land made in the year 1827, was read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill concerning the State road in the county of Macon, with an amendment; in which they ask the concurrence of this House. The amendment was read, concurred in, and the Senate informed thereof by message.

The engrossed resolution concerning the opening of an inlet from Albe marble sound to the ocean, was read, and, on motion, laid on the table.

A message from the Senate, informing that they had passed the engrossed bill to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay off a turupike road from the Lincoln line to James Loving's mill, passing through the Laurel gap of the South mountains, and for other purposes, with several amendments, in which they ask the concurrence of this House. The amendments were read, and all disagreed to, except the amendment in the third line of the 3d page, and the amendment to the last section of the bill. Ordered that the Senate be informed thereof by message.

A message from the Senate, informing that they recede from the amendment to the engrossed bill concerning the Cross Canal, leading from the



Great Dismal Swamp Canal, near the head of the woods in Camden county, to the White Oak Spring Marsh, in Gates county.

On motion, ordered that Mr. Smallwood and Mr. Jarvis have leave of absence after to-morrow from the service of this House until the end of the session.

The following engrossed bills were read the second time and passed, to wit: a bill to amend the charter of the Catawba Navigation Company; a bill to provide for the repairs of the State House and Arsenal; a bill to prevent the disfiguring the walls of the State House; a bill concerning the summoning of jurors; a bill ceding to the United States jurisdiction over certain lands as sites for light houses.

The following engrossed resolutions were read the second and third times and passed, and ordered to be enrolled: the resolution in favor of Benjamin H. Blount; the resolution in favor of David Graybeal; the resolution in favor of Merritt Hutchins; and the resolution concerning fishing in the waters of Blount's creek

The engrossed bill amendatory of the several acts heretofore passed, appointing commissioners for the town of Ashborough, in Randolph county, and for the better regulation of the police thereof, was read the third time, passed, and ordered to be enrolled.

Mr. Wyche, from the joint select committee, to whom was referred the resolution to inquire what compensation the commissioners appointed by resolution of the last General Assembly to examine into all the old standing accounts in the Comptroller's books, are entitled to receive for that purpose, reported that the committee, according to order, had attentively considered the subject, and directed him to report a resolution to the House, and to recommend its passage, making compensation to the said commissioners for the service performed. The said resolution was read the first time and passed,

The bill for the application of all appropriations for the increase of the Public Library, was read the second time and passed. On motion, ordered that the said bill be read the third time, and the question, shall the said bill pass its third reading? was determined in the affirmative—yeas 83, nays 19. The yeas and nays called for by Mr. Bynum.

Those who voted in the affirmative, are Messrs. Arrington, M. Baker, Banner, Barnard, Barringer, Blair, Bogle, Borden, Branch, Brown, Buie, Buttner, Byrum, Calloway, Chamblee, Clark, Cooper, Cox, Cunningham, Davenport, Dozier, Edmonston, Farrier, Fisher, Gary, Green, Harper, Haughton, J. A. Hill, Hough, Jarvis, W. G. Jones, Jordan, Kerr, Kendall, King, Larkins, Lilly, Loretz, Love, Mebane, Melvin, Mendenhall, Mhoon, Monk, Moore, Morris, Moye, Mullen, Murchison, J. Murphey, M'Gehee, Neill, N. Nicholson, T. Nicholson, O'Brian, Orr, Purcell, Rawls, Rhodes, Richardson, Russell, Sasser, Sawyer, Shipp, Simpson, B. T. Simmons, Sloan, N. G. Smith, Snyder, Speight, Swain, Taylor, Wheeler, S. Whitaker, J. Whitaker, White, J. Wilson, T. Wilson, Wiseman, R. Wooten, Wyche, York—83 yeas.

Those who voted in the negative, are Messrs. Z. Baker, Brooks, Bynum, Chesson, Hancock, Horton, W. Jones, Little, Patrick, L. R. Simmons, Stedman, Stockard, Thompson, Watts, Webb, Williams, A. W. Wooten, C. Wooten, Wright—19 nays.

On motion, ordered that the said bill be engrossed, and sent to the Senate for concurrence.

The engrossed bill to authorise the issuing of Treasury notes, was read the first time, and, on motion of Mr. Green, postponed indefinitely—yeas 73, nays 43. The yeas and nays called for by Mr. Horton.

Those who voted in the affirmative, are Messrs. Arrington, M. Baker, Banner, Barnard, Barringer, Bethell, Borden, Branch, Brown, Brower, Buie, Buttner, Bynum, Chesson, Cunningham, Dozier, Eccles, Edmonston, Farrier, Fisher, Gary, Grabam,



Grandy, Green, Harper, Haughton, Hayley, J. A. Hill, W. S. Hill, W. G. Jones, W. Jones, Kerr, Kendall, King, Larkins, Little, Mebane, Melvin, Mendenhall, Moyer, Murchison, P. Murphey, J. Murphey, M'Gehee, M'Lean, M'Millian, M'Neil, Nash, Neill, T. Nicholson, O'Brian, Orr, Purcell, Rawls, Rhodes, Russell, Sasser, Sawyer, Shipp, Simpson, B. T. Simmons, Stedman, Swain, Thompson, Watts, Webb, Wheeler, J. Wilson, T. Wilson, A. W. Wooten, C. Wooten, Wyche, York—73 yeas.

Those who voted in the negative, are Messrs. Alexander, Bateman, Bogle, Brooks, Byrum, Calloway, Chamblee, Clark, Cooper, Cox, Davenport, Enloe, Harcock, Horton, Hough, Jordan, Lilly, Loretz, Love, Monk, Moore, Morris, Mullen, Newland, N. Nicholson, Richardson, L. R. Simmons, Sloan, Smallwood, N. G. Smith, Snyder, Speight, Stanly, Stockard, Stokes, Taylor, S. Whitaker, J. Whitaker, White, Williams, Wiseman, R. Wooten, Wright—43 nays.

The resolution to appoint agents to collect information on the subject of a penitentiary, was read the second time, and, on motion, postponed indefinitely—yeas 72, nays 31. The yeas and nays called for by Mr. Mendenhall.

Those who voted in the affirmative, are Messrs. Arrington, M. Baker, Barnard, Blair, Borden, Branch, Brooks, Brown, Buttner, Bynum, Byrum, Chamblee, Clark, Cooper, Cox, Cunningham, Davenport, Dozier, Edmonston, Farrier, Gary, Grandy, Green, Hancock, Harper, Horton, Jarvis, W. G. Jones, W. Jones, Jordan, Kerr, Kendall, Lilly, Little, Love, Melvin, Mhoon, Monk, Moyer, Mullen, J. Murphey, M'Gehee, M'Lean, N. Nicholson, T. Nicholson, O'Brian, Patrick, Purcell, Rawls, Rhodes, Richardson, Russell, Sasser, Sawyer, L. R. Simmons, B. T. Simmons, Speight, Stedman, Steekard, Taylor, Thompson, Watts, Webb, Wheeler, S. Whitaker, J. Wilson, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, Wright, York—72 yeas.

Those who voted in the negative, are Messrs. Z. Baker, Banner, Barringer, Bogle, Calloway, Enloe, Fisher, Haughton, J. A. Hill, Hough, King, Long, Loretz, Mebane, Mendenhall, Moore, Morris, Murchison, M'Millan, Neill, Shipp, Simpson, Smallwood, N. G. Smith, Stokes, Swain, J. Whitaker, White, Williams, C. Wooten, Wyche—31 nays.

The engrossed bill more effectually to prevent injury to stock, was read the first time, and, on motion, postponed indefinitely.

The House then, on motion, adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, JANUARY 7, 1830.

Mr. Hill, of Wilmington, with leave, presented a bill for the better regulation of the town of Wilmington; which was read the first, second and third times, passed and ordered to be engrossed, and sent to the Senate for concurrence.

On motion, ordered that John Black, sheriff of Cumberland, have leave to withdraw from the files an account stated by the committee, and accompanying a bill for his relief.

Mr. Bynum, from the select joint committee raised on a resolution to inquire into the responsibility of the securities to the bond given by the late John Haywood, Treasurer of the State, reported that the committee had the subject under consideration, and directed him to report that it is too late in the session to investigate the matter, and to ask that the committee be discharged from the further consideration thereof. The report was read and concurred in.

The certificate in favor of Jesse Hulse, laid on the table, was taken up and read, and, on motion, postponed indefinitely. On motion of Mr. Edmonston, ordered that he have leave to withdraw from the files the said certificate and accompanying papers.

Mr. Shipp, from the committee to whom was referred the bill concerning the entry of land in this State, reported that it is inexpedient to pass the said bill. The report was concurred in, and the bill read the second time and rejected.



A message from the Senate, informing that they had reconsidered the vote on the indefinite postponement of the resolution proposing to print the document from the Comptroller's Office, and laid the same on the table; and have passed the engrossed resolution herewith sent; in which they ask the concurrence of this House. The said resolution was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: A bill to authorise courts of justice to regulate the business therein; a bill concerning the bonds in the office of the Public Treasurer for the purchase of the Cherokee and Tuscarora lands; a bill securing the collection of fines and amercements from the sheriffs in this State; a bill to alter the mode of compensation to members of the Senate and House of Commons; a resolution in favor of Ross & Scott; and a resolution in favor of the door keepers; in which they ask the concurrence of this House.

The following engrossed bills and resolution were read the first time and passed, to wit: A bill securing the collection of fines and amercements from sheriffs in this State; the bill to authorise courts of justice to regulate the business therein; the bill concerning the bonds in the office of the Public Treasurer for the purchase of Cherokee and Tuscarora lands; and the resolution in favor of the door keepers.

The engrossed bill to alter the mode of compensation to members of the Senate and House of Commons, was read the first time, and, on motion, postponed indefinitely—yeas 67, nays 59. The yeas and nays called for by Mr. Newland.

Those who voted in the affirmative, are Messrs. Alexander, Z. Baker, Banner, Barnard, Blair, Branch, Buie, Buttner, Bynum, Byrum, Calloway, Chamblee, Chesson, Cox, Davenport, Dozier, Edmonston, Farrier, Gauze, Grandy, Hancock, Hayley, Hellen, J. A. Hill, W. S. Hill, Hough, Jarvis, W. Jones, Jordan, Kerr, Lilly, Long, Mebane, Melvin, Mendenhall, Mhoon, Monk, Moore Mullen, P. Murphey, M'Lean, M'Neill, Nash, Neill, O'Brian, Orr, Patrick, Rawls, Sawyer, Simpson, L. R. Simmons, B. T. Simmons, Sloan, N. Smith, N. G. Smith, Snyder, Stedman, Stockard, Taylor, Thompson, Wheeler, S. Whitaker, J. Whitaker, White, Williams, J. Wilson, York—67 yeas.

Those who voted in the negative, are Messrs. Arrington, M. Baker, Barringer, Bateman, Bethell, Bogle, Borden, Brooks, Brown, Brower, Campbell, Carson, Clark, Cooper, Cunningham, Eccles, Enloe, Fisher, Gary, Gaston, Graham, Green, Harper, Haughton, Horton, W. G. Jones, Kendall, King, Larkins, Loretz, Love, Morris, Moye, Murchison, J. Murphey, M'Gehee, M'Millan, Newland, N. Nicholson, F. Nicholson, Pearson, Purcell, Rhodes, Richardson, Russell, Sasser, Shipp, Speight, Stokes, Swain, Watts, Webb, T. Wilson, Wiseman, R. Wooten, A. W. Wooten, C. Wooten, Wright, Wyche—59 nays.

On motion of Mr. Gaston, ordered that all the resolutions now before the House in relation to internal improvement by the General Government, be laid on the table indefinitely.

The engrossed bill to provide for disfiguring the walls of the State House; also the engrossed bill to amend the charter of the Catawba Navigation Company, were read the third time, passed and ordered to be enrolled.

The engrossed bill concerning the summoning of jurors, was read the third time, and, on motion, ordered to be postponed indefinitely.

The engrossed resolution in favor of Ross & Scott, was read the first time and passed.

The engrossed bill to provide for the repairs of the State House and Arsenal, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendment.

The bill to amend an act, passed at the last session, entitled an act to a-



mend the law with respect to the collection of debts from the estate of deceased persons, and the law in relation to the levying executions issued by justices of the peace, was read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

The engrossed bill giving femes covert the right of suing and being sued, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill to establish a bank on behalf of, and for the benefit of the State; and the bill establishing a medical board in this State, were read the second time, and, on motion, indefinitely postponed.

The bill to compel the due execution of process, was read the second time, and, on motion, indefinitely postponed—yeas 53, nays 28. The yeas and nays called for by Mr. Cox.

Those who voted in the affirmative, are Messrs. Arrington, M. Baker, Banner, Bogle, Branch, Brown, Brower, Bynum, Byrum, Calloway, Carson, Chesson, Clark, Cox, Davenport, Edmonston, Farrier, Fisher, Gary, Gauze, Grandy, Hancock, Harper, Horton, W. Jones, Jordan, Kendall, King, Lilly, Little, Monk, Morris, Moye, M'Gehee, N. Nicholson, O'Brian, Orr, Purcell, Rawls, Richardson, Russell, Sawyer, L. R. Simmons, Sloan, Speight, Stedman, Taylor, Thompson, J. Whitaker, White, R. Wooten, Wright, York—53 yeas.

Those who voted in the negative, are Messrs. Barringer, Brooks, Buie, Buttner, Campbell, Eccles, Gaston, Graham, Green, Hough, W. G. Jones, Loretz, Mhoon, P. Murphey, J. Murphey, M'Lean, M'Millan, M'Neiff, Nash, Sasser, Shipp, Snyder, Stokes, Swain, Webb, Williams, A. W. Wooten, Wyche—28 nays.

The House then adjourned until half after 3 o'clock, P. M.

The engrossed resolution in favor of Ezekiel Ellis, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, asking the concurrence of that House with the amendment.

The following engrossed bills were read the second and third times and passed, to wit: A bill to establish Woodville Academy, in the county of Wake, and to incorporate the trustees thereof; also the bill for the relief of securities in certain cases; also the bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift. Ordered that the said bills be enrolled.

The engrossed bill ceding to the United States jurisdiction over certain lands as sites for light houses, was read the third time, passed, and ordered to be enrolled.

On motion of Mr. Whitaker, of Wake,

*Resolved*, That the Public Treasurer be directed to pay Richard Roberts the sum of five dollars and thirty-five cents, being the sum expended by him in furnishing sundry articles for the use of the House of Commons.

The said resolution was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The following engrossed resolutions were read the second and third times and passed, to wit: A resolution in favor of Ross & Scott; also a resolution in favor of Gabriel Holmes, sheriff of New Hanover county; also a resolution in favor of William Thompson; also a resolution concerning the Comptroller's abstract, and making compensation to him for the same; and also a resolution in favor of the door keepers.

The engrossed bill to regulate the entries of lands in this State, was read the second time. Mr. Calloway moved that the said bill be postponed in-



definitely. The question thereon was determined in the negative. The bill was put on its passage, and the question, shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be read the third time, and the question, shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be enrolled.

The resolution making compensation to the Treasurer, Comptroller and Secretary of State for certain services, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Cox presented the following resolution:

*Resolved*, That when this House adjourns this evening, it shall adjourn to meet at 7 o'clock to-morrow morning; and that the Senate be informed thereof by message.

The said resolution, on motion, was ordered to be laid on the table.

The resolution, presented the first instant, for the purpose of appointing Robert Perry keeper of the public buildings, was taken up, read and postponed indefinitely.

The engrossed bill securing the collection of fines and amercements from sheriffs in this State; also the engrossed bill concerning the bonds in the office of the Public Treasurer for the purchase of the Cherokee and Tuscarora lands, were read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had postponed indefinitely the bill concerning the payment of jurors in the county of Martin.

On motion, ordered that the bill to authorise the payment of purchase money on entries of land in the year 1827 be laid on the table without day.

The engrossed bill to authorise courts of justice to regulate the business therein, was read and postponed indefinitely.

The House then adjourned until 7 o'clock, P. M.

A message from the Senate, informing that they had passed the following engrossed resolutions, to wit: A resolution in favor of Matthew J. Coman; and a resolution for the Governor of the State; in which they ask the concurrence of this House.

The bill to increase the revenue of the State by means of the precious metals, was read the second time and postponed indefinitely.

The engrossed resolution for the Governor, was read, concurred with, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill concerning the distribution of public arms to certain police authorities therein specified, and in case of invasion and insurrection, and for other purposes; in which they ask the concurrence of this House.

The engrossed resolution in favor of Matthew J. Coman, was read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill concerning the distribution of the public arms to certain police authorities therein specified, and in case of invasion or insurrection, and for other purposes, was read the first time and postponed indefinitely.

On motion of Mr. Pearson,

*Resolved*, That the Speaker be authorised to procure, for the use of the House of Commons, an original portrait, by Ford, of the Honorable John Stanly.

A message from the Senate, informing that they had passed the engrossed bill to enable the State Bank to wind up gradually, and to fix an uniform rate of collection, with amendments; in which they ask the concurrence of



this House. The amendments were read and concurred in, with an amendment to their amendment, marked B, viz. strike out 1831 and insert 1832. Ordered that the said bill be returned to the Senate, asking the concurrence of that House with the amendment.

A message from the Senate, informing that they had passed the engrossed bill for the improvement of the road from the Old Fort, in Burke, to Ash-ville, in Buncombe county with several amendm-nts. The amendments were read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to enable the Banks of Newbern and Cape Fear to wind up gradually, with amendments; in which they ask the concurrence of this House. The amendments were read, and the amendments marked A and C concurred with, and the amendment marked B concurred in by striking out 1831 and inserting 1832. Ordered that the said bill be returned to the Senate, asking the concurrence of that House in the amendment.

Mr. Thomas Wilson presented the following resolution:

*Resolved*, That a message be sent to the Senate, proposing that both Houses meet to-morrow morning, at 7 o'clock.

The said resolution was read and rejected.

On motion ordered that Mr. Stedman have leave to withdraw from the files the papers of Clement Hill, and Mr. M. Baker those of Elizabeth Station.

A message from the Senate, informing that they concur in all the amendments proposed by the House of Commons to the engrossed bill fixing the fees of the clerks of the County and Superior Courts and sheriffs' fees, except the proviso that immediately follows the word *certificate* to the word *for*, in the third line from the top of the fourth page, and the amendment which proposes to strike out the words "and provided further, that the provisions of this section shall not extend to the county of Nash;" in which they ask the concurrence of this House. The message was read, and the Senate informed by message that this House recede from their two amendments relating to the counties of Nash and Craven. Ordered that the bill be enrolled.

A message from the Senate, informing that they had passed the engrossed resolution in relation to a survey of Main Broad river, with an amendment. The amendment was read and concurred with, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed resolution for the Roanoke Navigation Company, with an amendment. The amendment was read and disagreed to, and the Senate informed thereof by message.

A message from the Senate, informing that they recede from their amendments to the engrossed bill to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay off a road from the Lincoln line, &c. &c and that they indefinitely postpone the bill for the application of all appropriations for the service of the public library.

A message from the Senate, informing that they do not accept the resignation of Julian Picot, a justice of the peace for the county of Washington, received from this House.

The House then adjourned until to-morrow morning, 7 o'clock, A. M.

FRIDAY, JANUARY 8, 1830.

The House met according to adjournment.



A message from the Senate, informing that they concur in the amendment made in this House to the amendment proposed by the Senate to the engrossed bill to enable the State Bank to wind up gradually and to fix a uniform rate of collection. They also concur in the amendment made by this House to the amendment proposed by the Senate to the engrossed bill to enable the Newbern and Cape Fear Banks to wind up gradually and to fix a uniform rate of collection. They also concur in the amendment proposed by the House of Commons to the engrossed bill to provide for the repairs of the State House and the Arsenal. They also concur in the amendment proposed by the House of Commons to the bill to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood. Ordered that the said bills be enrolled. And that they had indefinitely postponed the engrossed bill to authorise the justices of Moore County Court to compensate the clerk of the County Court and sheriff for their extra services.

Mr. Stokes presented the following Protest, which was read, and, on motion, ordered to be inserted in the Journal:

PROTEST.

The under written members of the House of Commons, under the sanction of the 45th section of the Constitution of the State of North Carolina, and in support of their opinions respecting a joint rule of order adopted by both Houses of the General Assembly, do enter this as our solemn protest against the decision of the House of Commons in the following case, to wit: The first joint rule for the government of both Houses contains the following words: "Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence."

On the 28th of December, 1829, the Senate transmitted to the House of Commons, a bill which they had passed, entitled "a bill to establish a bank in behalf of, and for the benefit of the State." The Senate by message, in the usual form, asked the concurrence of the House of Commons in passing the said bill into a law; but before the bill was read, it was objected to by the House of Commons, and the objection sustained by a majority of the House, that the bill was not made perfect in the Senate as required by the before recited joint rule. It is admitted by all, that the bill from the Senate was perfected as the rule prescribes, except in not filling up the blanks in the clause for the salaries of the President, Cashier and Directors of the Bank: although the 19th section declares, "that the Legislature shall from time to time fix the rate of compensation to be paid to the President, Cashier and Directors for their attendance and services at the said Bank." And the bill was not to go into operation until after the next annual meeting of the General Assembly. The bill provides for the establishment of the Bank—it provides for the election of the officers of the Bank. It incorporates them and their successors, and directs them in their duty. It provides the funds composing the capital stock of the Bank, and pledges the faith of the State for its support. It fixes upon the place at which the Bank shall be located, and limits the duration of the corporation.—In fact it was so far perfect as to be entirely operative as a Bank establishment according to its true intent and meaning without filling up the blanks in the section objected to. But, notwithstanding all these perfect provisions, the House of Commons refused to receive and act on the said bill, and, without having it read, returned it to the Senate with the following message:

"*Mr. Speaker*—A bill has been transmitted to this House from the Senate, entitled a bill to establish a Bank in behalf of, and for the benefit of the State, in which the concurrence of this House is asked. On the inspection of the bill, it appears that the said bill has not been perfected, for that in it several blanks are not filled up. The House of Commons believing that the bill has been prematurely transmitted, do respectfully return it to the Senate, in order that it may be there perfected and finally acted on before concurrence of this House is required."

Upon the receipt of this message the Senate again returned the bill accompanied with the following message, viz. "It is the opinion of the Senate that blanks in a bill do not render it imperfect within the spirit and meaning of the first joint rule for the government of the two Houses. For this reason the Senate beg leave respectfully to return to the House of Commons the bill to establish a bank on behalf of, and for the benefit of the State."

Now, the under written members of the House of Commons do protest against the propriety of returning the said bill to the Senate:

1st. Because they believe that the said bill was so far perfected in the Senate as to justify the House of Commons in taking it into consideration, and acting upon it.

2d. Because it is declared by the Senate, in their last message, quoted above, that blanks in



a bill do not render it imperfect within the spirit and meaning of the joint rule: thereby signifying that they had done all that they intended to do towards perfecting the bill at that time.

3d. Because no rule can or ought to give power to one house to judge of, or dictate to the other as to their conduct or opinions upon public measures; inasmuch as the Constitution declares that the Senate and House of Commons, when met, shall have power to "prepare bills to be passed into laws:" leaving each house to perfect them in its own way.

4th. Because the courtesy existing between different branches of the same Legislature, enjoins upon each house the duty of inculcating a spirit of harmony, and of extending to all the indulgent feelings due to fellow citizens, labouring in the same patriotic efforts to promote the welfare of the country.

And 5th. Because we believe that nice and technical criticisms upon the proceedings of Legislative bodies, has a tendency to disturb the tranquillity which ought to characterise their deliberations, and certainly diminishes the respect to which their measures would otherwise be entitled.

Subscribed at Raleigh, Jan. 6th 1830.

M. Stokes, } of Wilkes.  
 Wm. Horton, }  
 Zach. Baker, of Ashe  
 Jesse Cooper, of Martin.  
 Rod. B. Gary, of Northampton.  
 Lewis Snider, of Davidson.  
 Wm. A. Morris, of Anson.  
 Wm. Bethell, } of Rockingham.  
 Wilson S. Hill, }  
 David Newland, } of Burke.  
 Joseph Neal, }  
 Jas. R. Love, of Haywood.  
 Fredk. Davenport, of Tyrrell.  
 Owen B. Cox, of Jones.  
 Jno. Stockard, } of Orange.  
 Tho. H. Taylor, }  
 Wm. W. Stedman, } of Gates.  
 R. Rawls, }  
 Neil Nicholson, of Richmond.  
 W. D. Barnard, } of Currituck.  
 B. T. Simmons, }  
 A. H. Grandy, } of Camden.  
 Tho. Dozier, }  
 Geo. Blair, of Chowan.  
 Sam. T. Sawyer, of Edenton.  
 Jos. J. Brooks, of Chatham.  
 A. Monk, of Sampson.  
 Ab'm Brower, jr of Randolph.

On motion, ordered that a message be sent to the Senate, proposing that the two Houses adjourn *sine die*.

A message from the Senate, informing that they concur in the proposition to adjourn without day.

Whereupon, on motion of Mr. Bateman,

*Resolved unanimously*, That the thanks of this House are due to the honorable William Julius Alexander, for the able, dignified and impartial manner in which he has discharged the duties of the Chair during the present session.

The Speaker thereupon made his acknowledgments to the House, and adjourned it *sine die*.

WILLIAM JULIUS ALEXANDER, S. H. C.

By order,

P. HENDERSON, *Cpk.*



